

THE  
"CEYLON HANSARD."

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THE DEBATES  
OF THE  
CEYLON LEGISLATIVE COUNCIL

During the Session of 1892-93,

*Which began on the 14th of September 1892, and closed on the 13th of September 1893.*

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REVISED AND CORRECTED BY THE SPEAKERS.

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[TWENTY-FOURTH YEAR OF PUBLICATION.]

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Colombo :

A. M. & J. FERGUSON,

1893.







# MEMBERS OF THE LEGISLATIVE COUNCIL

DURING THE SESSION 1892-93.

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## PRESIDENT:

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

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## OFFICIAL MEMBERS:

- H.E. THE HON. W. G. D. MASSY, C.B., Major-General, Commanding the Forces.  
[Lieut.-Col. J. F. CHURCHILL, Acting.]
- THE HON. SIR E. NOEL WALKER, K.C.M.G., Lieut.-Governor and Colonial Secretary.  
[HON. J. A. SWETTENHAM, Acting.]
- ” ” J. A. SWETTENHAM, Auditor-General. [HON. ALLANSON BAILEY,  
Acting.]
- ” ” S. GRENIER, Attorney-General. [Latterly succeeded by HON. C. P.  
LAYARD.]
- ” ” G. S. WILLIAMS, Acting Treasurer.
- ” ” A. R. DAWSON, Government Agent, Western Province. [HON. E.  
ELLIOTT, Acting.]
- ” ” P. A. TEMPLER, Government Agent, Central Province.
- ” ” F. C. H. CLARKE, R.A., C.M.G., Surveyor-General. [HON. D. G. MANTELL,  
Acting.]
- ” ” R. REID, Acting Collector of Customs.

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## UNOFFICIAL MEMBERS:

- THE HON. P. RAMANATHAN, C.M.G., Tamil Representative. [Latterly succeeded by  
HON. P. COOMARA SWAMY.]
- ” ” P. D. ANTHONISZ, M.D., Burgher Representative.
- ” ” W. W. MITCHELL, Representative of Mercantile Interests.
- ” ” A. DE A. SENEVIRATNE, (Lowcountry) Sinhalese Representative.
- ” ” L. H. KELLY, Planting Representative.
- ” ” J. J. GRINLINTON, Representative of General European Interests.
- ” ” T. PANABOKKE, R.M., (Kandyan) Sinhalese Representative.
- ” ” M. C. ABDUL RAHIMAN, Representative of the Muhammadan Community.







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No. 13 of 1892.—An Ordinance to amend and consolidate the law relating to Postal and Telegraph Communications.

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No. 16 of 1892.—An Ordinance to consolidate and amend the law relating to the granting of exclusive privileges to Inventors.

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The Hon. the SURVEYOR-GENERAL moved the third reading of "An Ordinance to consolidate and amend the law relating to the granting of Exclusive Privileges to Inventors."—Agreed.

EXEMPTION OF CONSULAR SUPPLIES FROM CUSTOMS DUTY.

The Hon. the AUDITOR-GENERAL moved the third reading of "An Ordinance to exempt from Customs Duty official supplies consigned to certain Consular Officers of Foreign Countries."—Agreed.

And on page 75:—

SUPPLEMENTARY CONTINGENT CHARGES FOR 1891.

The Hon. the AUDITOR-GENERAL moved the third reading of "An Ordinance for making final provision for the Supplementary Contingent charges for the year 1891."—The bill was read a third time and passed.







APPENDIX.

ADDRESS

OF

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

HONOURABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL,

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

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

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

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



I am much gratified at being able to bring to your notice the remarkable development that has taken place in the numbers and efficiency of the Volunteer Forces. Companies of Infantry have, during the last year, been enrolled in five separate localities. An Artillery company is about to be formed at Trincomalee. A noticeable instance of this loyal, useful, and wholesome movement has taken place among the Planting Community in the Central Districts of the Island. A body of Mounted Infantry has been enrolled there, which already numbers 87 men, and which will probably be largely augmented. The strength of the Volunteer Forces has during the last three years increased from 821 to 1,169. The annual Camp of Exercise, which was formed for the first time in 1890, has been held within the last two weeks. The General Officer Commanding has inspected the Camp and the force assembled there. He has expressed himself to me, in the highest terms of commendation, of the organisation of the Camp and of the precision and intelligence with which the drill and movements witnessed by him were executed. I have myself reviewed the Volunteers, and I observed with great satisfaction a marked improvement in numbers and in efficiency since the Camp held last year.

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

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

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

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

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

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

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

Turning from the statistics of General Revenue to the returns of Exports and Imports, equal cause for congratulation will be found. Trade outwards and inwards has expanded, and, looking at the steady increase exhibited in the returns of the past three years, there is reason to hope, in the absence of any emergency or misfortune at present unseen, for the continuance of its growth. The value of the trade of the Colony has risen from Rs. 100,269,274 in 1889 to Rs. 117,342,259 in 1891, showing an increase of Rs. 17,072,985, while a review of the past decade shows the increase in that period to be very little less than fifty per cent., the value in 1881 having



been Rs. 78,794,252. The returns of Shipping are equally satisfactory, showing an increase of 281,900 tons inwards and of 297,138 tons outwards, compared with 1890. The total tonnage for the year inwards and outwards was 5,696,948 tons, the tonnage for the preceding year having amounted to 5,117,902 tons. The returns for the past months of the current year have been equally satisfactory. They show that the revenue of 1892 may be expected to exceed that of 1891, though not to such a large amount as the revenue of 1891 surpassed that of 1890. The assets of the Colony on January 1, 1892, exceeded the liabilities by Rs. 2,741,086.

The review which I have given of the financial and commercial position of the Colony presents unquestionably a favourable aspect. But I should be wanting in my duty to you if I omitted to remind you of a circumstance which, to a certain extent, renders misleading the returns of Revenue and Trade to which I have referred. It is true that those returns record sums of rupees in increasing numbers, but unfortunately the value in gold of each one of those rupees has been becoming less from day to day, and at present there seems to be ground for fearing that this process of depreciation has not yet come to an end. The decrease of the purchasing power of the rupee in the markets of the world is affecting seriously the operations of commerce in the East. But its bearing on the finances of the Government is the point which I wish to bring to your notice at the present time. The Government has to meet in gold or its equivalent large and increasing liabilities. The cost incurred during 1891 in purchasing gold or its equivalents to meet the charges of the year was Rs. 4,888,617. The estimated outlay during 1893 for the same purpose, assuming that the charges to be defrayed remain stationary, will, taking the rupee at 1s.  $2\frac{1}{2}d.$  (a little below its present value), amount to Rs. 5,735,653, an increased expenditure of Rs. 847,036. But, as the charges to be defrayed will have increased in amount, the actual additional expenditure will exceed that sum. It is manifest, therefore, that the increase of the number of rupees estimated to be received in the Treasury must not be taken as a correct measure of the additional means available for spending purposes.

I shall ask you to consider a Bill having an important bearing on the administration of justice. In 1890 you passed an Ordinance for the purpose of rendering less formal and technical the character of the proceedings in cases which are summarily triable by the Police Court. The practical effect of that Ordinance has undoubtedly been to relieve Police Magistrates of a certain amount of unnecessary labour, but the procedure for the trial of petty cases still remains so complicated and tedious that Magistrates are often unable to proceed to the investigation of graver offences until a late hour of the day, and postponements are necessitated, which are manifestly prejudicial to the interests of justice. To remedy this defect in our system of procedure, I have caused to be drafted a Bill on the lines of Chapter XXII. of the Indian Criminal Procedure Code. The Bill does not repeal any of the general provisions of the Code, but applies only to cases in which no appeal can be taken save upon a matter of law or with the leave of the Court. It is intended that the new law should be administered not by all Police Magistrates, but only by those who may be specially empowered by the Governor in Executive Council, after consultation with the Judges of the Supreme Court. I propose to restrict the operation of the Ordinance at first to Police Courts in the larger towns, where the pressure of work is great and the Magistrates are officers of experience. I feel sure that the Bill will commend itself to you.

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

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

I have been strongly impressed with the necessity of providing for the conservancy and sanitation of towns and villages which are too small to be placed under the jurisdiction of Local



Boards of Health and Improvement. It is right that the inhabitants should pay for the due conservancy of these places and for the preservation of the public health therein. With this object in view a Bill has been prepared authorising the Board of Health of the Province to assess and levy, subject to the approval of the Governor in Executive Council, a rate not exceeding 4 per cent. on the annual value of real property. As it will not be necessary to raise a large fund, the tax need not be

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

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

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

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

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

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



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

I may also, during the progress of the Session, be able to ask your consideration of a few other Ordinances, including probably a measure to amend the Branch Roads Ordinance, 1874, so as to enable the Government to open roads through districts in which proprietors are not prepared to construct roads on the grant-in-aid system, but in which the number of such proprietors is less than the minimum number required under the present Ordinance.

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

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

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

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

The preparation of the Estimates of 1893 is approaching completion.

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

No new irrigation work of the first magnitude will be recommended to you. But you will be asked to vote a substantial sum towards the completion of the Deduru-oya minor scheme, a work in which good progress has been made. An irrigation work of the secondary magnitude in the Eastern Province, known by the name of the Oniche scheme, has been reported upon as being



easy of execution and likely to prove of advantage. I hope to be able to place before you, at a sufficiently early date, full particulars of this work, and to ask you to appropriate a sum not exceeding Rs. 50,000 towards its execution. The restoration and improvement of small irrigation works, which have resulted in much benefit in the past, will be pushed forward by the Central and Provincial Irrigation Boards. The Government are taking steps to recover, more completely than heretofore, the dues due under the law by those who benefit by irrigation works. In this way, the outlay incurred in improving the irrigation and cultivation of paddy lands will in part, but I fear not wholly, be recovered.











# THE DEBATES

## OF THE

# CEYLON LEGISLATIVE COUNCIL

DURING THE SESSION 1892-93.

WEDNESDAY, SEPTEMBER 14, 1892.

### OPENING OF THE SESSION.

*Present*:—His Excellency Sir Arthur Elibank Havelock, K.O.M.G., the Governor, who occupied the chair; H. E. Major-General Dunham Massy, Commander of the Forces; the Hons. J. A. Swettenham, Acting COLONIAL SECRETARY; Sir Samuel Grenier, Attorney-General; Allanson Bailey, Acting Auditor-General; G. S. Williams, Acting Treasurer; Colonel F. C. H. Clarke, C.M.G., Surveyor-General; A. R. Dawson, Government Agent for the Western Province; P. A. Templer, Government Agent for the Central Province; R. Reid, Acting Principal Collector of Customs; J. J. Grinlinton, General European representative; W. W. Mitchell, Mercantile representative; Dr. P. D. Anthonisz, C.M.G., Burgher representative; P. Ramanathan, C.M.G., Tamil representative; T. B. Panabokke, Kandyan representative; M. C. Abdul Rahiman, Muhammadan representative; and L. H. Kelly, Planting representative; and also H. L. Crawford, Clerk of the Council.

*Absentee*:—The Hon. A. de A. Seneviratne, low-country Sinhalese representative.

### ADDRESS OF HIS EXCELLENCY THE GOVERNOR.

His Excellency Sir ARTHUR ELIBANK HAVELOCK then read his Opening Address to the Council. (See Appendix.) His Excellency the Governor then retired, and His Excellency the Major-General took the chair.

### REPLY TO THE GOVERNOR'S ADDRESS

On the motion of the hon. the Acting COLONIAL SECRETARY seconded by the hon. the ATTORNEY-GENERAL, the following were appointed a Committee to draft a reply to the Governor's address in opening Council:—

The Hon. the Auditor-General, the Hon. the Treasurer, the Hon. the Government Agent W.P., the Hon. Mr. Grinlinton, the Hon. Mr. Panabokke and the Hon. Mr. Kelly.

The Hon. the Acting COLONIAL SECRETARY then read the Governor's

### MESSAGE TO THE LEGISLATIVE COUNCIL.

A. E. Havelock.—The Governor is desirous of bringing before the Legislative Council certain proposals which have been made for ensuring the prospect of a pension to Officers of the Railway Department after a sufficient period of service under the Government.

2. The Officers of this Department have always been given to understand that they would not be allowed any pension privileges by the Government, and they have opposed the adoption of a scheme suggested to them by the Government, whereby they might have started a pension fund for themselves from their own contributions.

3. Their desire to obtain the same privilege as other Departments of the Public Service was expressed in a Memorial, copy of which is annexed, in which the arguments for the concession are fully stated. The matter has been under discussion with the Secretary of State for the Colonies in a Correspondence, a copy of which is attached.

4. In this correspondence three schemes have been devised for granting pensions to the Railway Officers. They are as follows:—

I.—To transfer to the Fixed Establishment, with the full pension privileges usually accorded to the Public Service, the whole Department excepting only Guards, Brakesmen, Engine Drivers, and Firemen: the exceptions being allowed only the benefit of the Minute of August 23rd, 1886, whereby compassionate allowances may be awarded, after a service of at least fifteen years, not exceeding three-fourths of an ordinary pension.

II.—To grant to the whole Railway Department without distinction, a claim to pension at the rate of three-quarters of the pension awarded to the ordinary Public Service.

III.—To grant to the whole Railway Department, without distinction, a claim to pension at the full rate awarded to the ordinary Public Service.

The grant in every case being safeguarded by a clearly expressed provision that all such officers shall as at present, continue to be liable to summary dismissal or removal from office for inefficiency misconduct.



5. The Governor takes this opportunity of acquainting the Legislative Council with the fact that in Mauritius full pension rights have recently been given to the members of the Railway Department generally.

The Governor desires to elicit an expression of the opinion of the Legislative Council, after discussion, on the general question of granting pensions to the members of the Railway, and on the particular scheme for carrying out that object suggested in this Message.—By His Excellency's command,

J. A. SWETENHAM, Acting Colonial Secretary.  
September 10th, 1892.

#### PAPERS.

The Hon. the COLONIAL SECRETARY then laid the following papers on the Council table:—Administration Reports, 1891. Part III. Judicial:—Police. Part IV. Miscellaneous:—Forest Conservancy, Post and Telegraphs, Railways, and Vital Statistics.

#### THE RUMOURED WITHDRAWAL OF ENGLISH TROOPS.

The Hon. L. H. KELLY then put his question with regard to the rumoured withdrawal of English troops.

H. E. the MAJOR-GENERAL replied that no communication had been received by the authorities here on the subject.

The Hon. L. H. KELLY:—I beg to thank you, sir, for answering my question. I am perfectly certain that the reply you have given to me will be most satisfactory to all classes in the colony.

#### SUMMARY TRIALS BILL.

The Hon. the ATTORNEY-GENERAL:—Sir, I have the honour to move the first reading of a bill entitled "An Ordinance to empower Police Magistrates to try certain offences in a summary way." The purpose which this bill is intended to serve has already been distinctly and clearly indicated by H. E. the Governor in his opening address. Briefly stated, it is to simplify the procedure in, and to facilitate the trial of, petty cases, the investigation of which under existing rules impedes the progress of inquiries into graver and more serious offences in the principal Police Courts of the Island and leads to frequent and repeated postponements which are manifestly prejudicial to the interests of justice. By petty cases, I mean the class of cases which are covered by clause 1 of the bill, and in which the sentence passed is so limited by clause 2 as not to allow of an appeal except upon a matter of law or with the leave of the Court. In the trial of such cases, the Magistrate need not record the evidence of the witnesses or frame a formal charge, but he is required to make an entry of the particulars specified in clause 3. You will observe that under sub-section (i) of clause 3 he is bound to state the reasons for his finding. Under the corresponding enactment in the Indian Act, the High Courts in India have held, and properly so held, that a Magistrate in recording his reasons for a conviction should state them so that the Appellate Court on revision may judge whether there were sufficient materials before him to support the conviction. Where the Magistrate acquits, clause 4 requires him to record a judgment embodying the substance of the evidence; and when notice is given of an appeal upon a matter of law, or when the Magistrate himself grants leave to appeal, clause 5 makes it incumbent on him that he should record a statement embodying the substance of the evidence. The summary procedure which this Bill seeks to legalize is not to be adopted by every Police Magistrate, but only by such Magistrates as may be specially authorized to use it by the Governor in Executive Council after consultation

with the Judges. I view with much satisfaction the presence of such a safeguard, and I am sure that Hon. members will share that feeling of satisfaction.

The Hon. the Acting COLONIAL-SECRETARY seconded, and the bill was read a first time, the Attorney-General giving notice that he would move the second reading at the next meeting of Council.

The Hon. P. RAMANATHAN:—Would it suit the Attorney-General to take it a fortnight hence?

The Hon. the ATTORNEY-GENERAL:—I have no objection.

The Hon. Mr. KELLY:—I would ask for longer delay than that. This bill has been under the consideration of the Planters' Association, and I was specially requested by that Association to ask for some more time to consider it. If the second reading is fixed for this day fortnight and the mover then consents to its going to Committee perhaps that will meet the views of the hon. the Tamil representative and myself. I was asked specially to plead for delay in the passing of this bill.

The Hon. the ATTORNEY-GENERAL:—I have no objection to the second reading being postponed for a fortnight, and I do not think any further delay will be necessary. The bill will no doubt be sent into Committee, and if the Planters' Association or any other public body in the island desires that their views should be discussed in Committee, I think the Committee will be glad to receive such views and discuss them.

The second reading of the bill was then postponed for a fortnight.

#### SANITARY RATE.

The Hon. the GOVERNMENT AGENT C. P.—I rise, sir, to move the first reading of a bill entitled "An ordinance to make provision for the imposition of a sanitary rate in certain localities." The introduction of some such enactment as this has been necessitated by the very rapid growth both in numbers and size of small townships which are inhabited by a densely-packed native population who have not very advanced views as to the sanitary value of cleanliness, and whose daily habits are certainly not in consonance with any such views. These localities are generally situated on some main thoroughfare, and it is absolutely necessary that within them the ordinary laws of sanitation should be observed, not only in their own interests but in order that these places may not become nurseries of epidemic disease. Members of this Council are aware that under the Ordinance 10 of 1852 Boards of Health were created, and by a subsequent Ordinance—15 of 1862—power was given to them to make bylaws for the preservation of the public health and to take cognizance of certain offences which are described as nuisances. Since the introduction of Municipal Councils and Local Boards these bodies have been in a state of suspended animation, and it would be useless to recall them to life without providing them with funds wherewith to give practical effect to the authority with which they are clothed. Such funds must come either from the public exchequer or from those on whose behalf the Boards of Health are required to take action; and Government is of opinion, as His Excellency has just stated in his opening address, that it is those on whose behalf the Boards of Health are to act who should contribute these funds. It is also thought fair that the property which constitutes these small townships should be taxed, more especially as in many cases that property yields a very considerable income to its owners, who however do not seem to consider it any part of the duty of a



landlord to pay attention to the sanitary condition of his tenants. I do not, sir, apprehend any serious opposition to the principle of the bill, but some exception may be taken to the entire exclusion of the unofficial element from the administration of the funds which are to be created by it. I would however remind members of the Council that the funds will, as a rule, be very small, and that the purposes to which they will be applied are not likely to be very varied. I would ask hon. members whether they consider it advisable in a small out-of-the-way village like Dambulla that its quiet and retirement should be disturbed by the heat and excitement of a local contest to elect two or three unofficial members to administer perhaps R300 or R400 per annum? It is also to be noted that if there are larger and more important townships to which it is thought that the theoretical advantages of self-government ought to be given, those places have for many years had the opportunity of getting themselves brought under the operation of the Local Boards Ordinance, and if they have not done so—and I believe in more than one case the offer to do it for them has been indignantly rejected—it is only fair to suppose that they do not desire the privilege. It was therefore thought by Government that it would be better to intrust the administration of the funds to an official Board appointed by His Excellency the Governor, whose control of the funds would be open to public criticism and if necessary subject to appeal to the Governor in Executive Council. The policy of the Government is set forth in the first four clauses of the bill, and it will not be necessary for me to go through all the other sections, because they are reproduced from 16 sections of the Local Boards Ordinance and merely provide the machinery for working these small townships in a sanitary way. There will, of course, be an opportunity for the amendment of any of those sections in sub-Committee and if necessary for the introduction of fresh sections. With these remarks I beg to move that the bill be read a first time.

The Hon. the Acting COLONIAL SECRETARY seconded, and the bill was read a first time, the hon. the mover giving notice that the second reading would be taken at next meeting of the Council.

#### THE RATES ON REAL PROPERTY IN COLOMBO.

The Hon. the Acting COLONIAL SECRETARY:—Sir, I rise to move the first reading of "An Ordinance to remove doubts as to the purposes towards which the rates on real property may be applied by the Municipal Council of Colombo." Under clause 127 (which the hon. gentleman read) of the Municipal Councils' Ordinance of 1887 doubts have arisen as to whether when any surplus remains it is lawful to dispose of that surplus for general purposes in the Municipality. The object of this bill is to remove those doubts. It, in fact, enables the Municipality, if there be any surplus on the rates on real property, to devote the surplus to general purposes and thereby to complete their usefulness as a Municipality. I may mention that there has been a somewhat similar precedent in this Council when Ordinance 12 of 1878 was passed, namely "An Ordinance to declare the legality of certain payments made by the Municipal Council of Colombo out of the rates levied under the 53rd section of the Municipal Councils Ordinance, 1865, and to make further provision for the future application of such rates." I move that the bill be read a first time.

The Hon. the ATTORNEY-GENERAL seconded, and the bill was read a first time, the hon. the mover

giving notice that at next meeting of Council he would move the second reading.

#### ADJOURNMENT.

On the motion of the Hon. the Acting COLONIAL SECRETARY the Council then adjourned till next Wednesday at 2-30 p.m.

Council rose at 4 o'clock.

WEDNESDAY, SEPTEMBER 21, 1892.

*Present:*—His Excellency Sir Arthur Elihu Havelock, K.C.M.G., the Governor, who occupied the chair; the Hons. J. A. Swettenham, C.M.G., Acting Colonial Secretary; Sir S. Grenier, Attorney-General; Allanson Bailey, Acting Auditor-General; G. S. Williams, Acting Treasurer; Colonel F. C. H. Clarke, C.M.G., Surveyor-General; A. R. Dawson, Government Agent for the Western Province; P. A. Templer, Government Agent for the Central Province; R. Reid, Acting Principal Collector of Customs; P. Ramanathan, C.M.G., Tamil representative; J. J. Grinlinton, general European representative; Dr. P. D. Anthonisz, C.M.G., Burgher representative; W. W. Mitchell, Mercantile representative; M. C. Abdul Rahiman, Muhammadan representative; T. B. Panabokke, Kandyan representative; and A. de A. Seneviratne, Sinhalese representative; also Mr. H. L. Crawford, Clerk of the Council.

*Absentees:*—H. E. Major-General Dunham Massy, Commander of the Forces; the Hon. L. H. Kelly, Planting representative.

The minutes were read and confirmed.

The Hon. the Acting COLONIAL SECRETARY presided at the opening of the meeting until the reply to the Governor's address had been adopted.

#### THE REPLY TO THE GOVERNOR'S ADDRESS.

The Hon. the Acting AUDITOR-GENERAL:—I beg to bring up the report of the sub-Committee appointed to draft a reply to the address of H. E. the Governor and I move that it be read.

The Clerk read the draft as follows:—

To His Excellency the President of the Legislative Council, Sir Arthur Elihu 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 share the satisfaction felt by Your Excellency in the continued progress and prosperity of the Island.

They also join with Your Excellency in the appreciation of the services of the Medical Department and the local authorities in checking the spread of the epidemics of cholera which unhappily occurred during the past year.

It is gratifying to the Council to learn that the more deterrent system of discipline introduced into our prisons has resulted in an abatement of serious crime and a decrease in the number of prisoners.

The Council hopes that the Volunteer Forces will continue to increase in numbers and maintain the efficiency so highly commended both by the General Officer Commanding and Your Excellency, to whose personal interest in the Force this improved condition is largely attributable.

The exceptional success which has attended the preliminary labours of the Ceylon Special Commissioner, whose able advocacy the Council recognises equally with Your Excellency, gives every reason to hope for the complete attainment of the chief object aimed at by a representation of the Colony at Chicago—an extension of the market for tea and other principal products of the Island.

The issue of the Local Loan authorised by recent enactments must not only tend to add to the stability



the Government, but must also prove a material advantage to the community.

The Council, while regretting the continued diminution of the gold value of the rupee, feel it a cause for congratulation that the returns of General Revenue and Commerce show that the Colony is steadily advancing.

The Ordinances which your Excellency proposes to lay before the Council, some of which are of great importance, will all receive their careful consideration.

The assurance of the early opening of the railway and the certainty of a considerable saving on the estimate of the cost of that work, and the progress of the Southern line towards Galle, afforded the Council much gratification.

It is also exceedingly satisfactory to learn that the branch railway to Kurunegala will probably be completed by the end of next year, and that the preliminary steps have been taken for the survey of a railway line from Kurunegala to Jaffna.

The policy of extending communication by railway wherever practicable, and of connecting remote parts of the Island with the metropolis and principal port, is one which highly commends itself to this Council.

The Council hopes that the decision in the matter of the North-Western Breakwater and a Graving Dock at Mutwal will not be long delayed.

The Estimate for 1893 shall be attentively considered. Of the various public works for which grants are to be asked, the reclamation along the shore of Colombo Harbour in the direction of Mutwal and the scheme of flood-outlets, appear to be the most important. The Council will give their best consideration to the plans and estimates for these and other works, including the Irrigation schemes mentioned, and Your Excellency may rely on the cordial co-operation of the Council in carrying out the various measures which may be devised for the benefit of the Colony.

By order of the Council,

H. L. CRAWFORD,

Clerk to the Council.

Legislative Council Chamber,

Colombo, September 21, 1892.

The Hon. the Acting AUDITOR-GENERAL:—I beg to move that the draft be adopted.

The Hon. the Acting TREASURER seconded, and the draft was adopted.

Shortly afterwards His Excellency entered the room and took the chair, when

The Hon. the Acting COLONIAL SECRETARY moved that the Clerk read the reply of the Council to His Excellency's address.

The clerk read the reply.

HIS EXCELLENCY said:—Hon. gentlemen of the Legislative Council I have to thank you for your address, and I have received with satisfaction the assurance that I may rely on your cordial co-operation in carrying out the various measures which may be derived for the benefit of the colony.

#### POSTAL AND TELEGRAPH COMMUNICATIONS.

The Hon. the Acting COLONIAL SECRETARY:—Sir, I beg to move the first reading of "An Ordinance to amend and consolidate the law relating to Postal and Telegraph Communications." This draft embraces no fewer than six previous Ordinances which are enumerated in the schedule and all of which have been consolidated; and opportunity has been taken, in consolidating these Ordinances, to insert a few amendments. A new definition has been given to the class called printed matter. Formerly this was restricted, as the name denotes, to printed matter only, but advantage has been taken of this ordinance to make the class embrace a far larger number of communications. The definition as it stands in the draft is—"Printed matter shall include all documents in writing or print not in the nature of a

personal communication, and must be posted open at both ends so as to admit of the removal and inspection of contents without breaking the seal or fastening, and without injury to the wrapper." Under this definition legal documents and a great variety of manuscript documents may be sent by post, always provided they are left open at both ends so that the postal authorities may satisfy themselves they are not of the nature of a letter. The next clause to which I would call attention is 37—"The respective rates of postage and fees for registration chargeable on postal packets to be transmitted in or beyond this Island shall be determined from time to time by Proclamation issued by the Governor, acting with the advice of the Executive Council, and published in the *Government Gazette*." Formerly the law was that the internal postage rates were fixed by law and required fresh legislation before any alteration or amendment could be made. In future the fixing of the rates will be left to the Governor in Executive Council, and it is proposed to take advantage of the passing of this law to lower the rates somewhat for various classes of matter transmitted by post within the colony. For instance the limit of weight that is now transmitted for a payment of 5 cents in the case of letters is one half oz.; in future it is intended that for 5 cents 1 oz. should be transmitted. In the case of postcards the present rate is 3 cents. It is intended to make a diminution of that rate, but Government has not yet determined whether it shall be 2½ cents or whether an even lower rate than that should be allowed. In the case of printed matter the present rates are—not exceeding 4 oz. 2 cents; exceeding 4 oz. and not exceeding 6 oz. 4 cents; and for every additional 2 oz. or part thereof 2 cents, making the rate for 1 lb., 14 cents. In future it is intended that the rate should be 5 oz. for 2 cents; exceeding 5 and not exceeding 10 oz., 5 cents; 10 oz. and not exceeding 1 lb. 10 cents, and 10 cents for every additional lb. or portion thereof. In the case of miscellaneous packets the present rate is 20 cents per lb. and it is proposed in future to have the following rates—up to 4 oz. 5 cents, exceeding 4 oz. and not exceeding 8 oz. 10 cents, exceeding 8 oz. and not exceeding 12 oz. 15 cents, together with 15 cents for every additional lb. or fraction thereof. A new clause has been inserted which is not to be found in the previous ordinances, namely No. 51 making it penal for anyone not an employee to wear the postal uniform. In clause 54 the penalty for deserting the mail has been left blank. The existing penalty has been found to be too small, and when this bill comes to be read in Committee I shall propose to fill up the blank with a penalty considerably exceeding that which is to be found in the existing ordinances. Some parts of the clauses 67 and 76 in regard to postal orders will be found to be new. These I think are the principal features of this Ordinance which I now move should be read a first time.

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

The Hon. the Acting COLONIAL SECRETARY gave notice that he would move the second reading at next meeting of Council.

#### TAVERN LICENSES.

The Hon. the Acting COLONIAL SECRETARY:—Sir, I beg to move the first reading of "An Ordinance for imposing a Duty on Tavern Licenses within Municipalities." This is a very short and simple bill. It consists of two clauses only, and it is proposed to impose a duty upon every tavern for the retail of arrack and rum within the limits of Municipalities. The duty is not to exceed R500 and is to be levied



by means of stamps. This bill has been drafted at the request principally of the Municipality of Colombo, and the intention of Government in acceding to the request is to place the money at the disposal of the Colombo Municipality for a particular purpose. The Council knows that the water supply of Colombo has been a source of great anxiety to the Municipality and the Government. There is an ever-increasing demand upon the waterworks for the supply of water, and we have only a single pipe from Colombo to the waterworks. The capacity of that pipe gradually diminishes every year by reason of wear and tear and rust which forms inside. It is necessary therefore that we should look forward to having a duplicate of that pipe at no very distant period; and for this purpose it is proposed that the money derived from the arrack licenses in the case of Colombo and a contribution from Government equal to the amount derived from the tavern licenses should be funded in the hope that in time it will suffice to provide a second pipe from the waterworks to Colombo. In the case of other Municipalities I believe that the license duty will not exceed one-half of the license which is proposed to be imposed in Colombo and it will be devoted to local purposes.

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

The Hon. the Acting COLONIAL SECRETARY gave notice that he would move the second reading at the next meeting of Council.

#### MERCHANDISE MARKS.

The Hon. the ATTORNEY-GENERAL:—I beg to move the first reading of "An Ordinance to amend 'The Merchandise Marks Ordinance, 1888.'" Your Excellency has already informed the Council of the circumstances which led to the preparation of this measure. The Ordinance of 1888 was drafted on the lines of the Imperial Merchandise Marks Act of 1887, in deference to the wish of the Secretary of State for uniformity of action as between the Imperial Parliament and the Colonial Legislatures. In 1889, an Act was passed in India making it compulsory that all piece goods ordinarily sold by length or by the piece should be stamped with the true length thereof in English numerals when imported into British India. During the early part of this year the Manchester Chamber of Commerce invited the attention of the Secretary of State to the fact that there was no provision in the Ceylon Ordinance corresponding to that in the Indian Act, and desired that the law of Ceylon might be assimilated to that of India. On a reference being made to the Board of Trade by the Colonial Office, the Board pointed out that the Ceylon law was more in accordance with the principle embodied in the Imperial Act of 1887 than the Indian law, and that the question raised by the Manchester Chamber of Commerce was one which might properly be left to the Ceylon Legislature for decision. The papers were accordingly sent to the Ceylon Government for consideration without any instructions from the Secretary of State. By the time the papers reached the colony, the attention of the Colombo Chamber of Commerce had been drawn to the proceedings of the Manchester Chamber and they joined in the request for an amendment of the Ceylon Ordinance. What both Chambers asked for was exclusively in the interest of the import trade in cotton goods. Nothing was said about piece goods locally manufactured. The result, however, of further correspondence with the Colombo Chamber was the introduction into the bill, as originally drafted, of a provision in regard to goods manufactured in Ceylon

similar to that contained in the Indian Act. Clause 1 of the bill makes it an offence to import piece goods or to sell or expose for sale such goods, whether manufactured within or beyond the limits of the Colony, without having conspicuously marked in English numerals on each piece the length thereof in standard yards. Clause 2 empowers the Customs authorities to prevent the export of such piece goods as are not properly marked, and to declare them forfeited if necessary. It is the proviso to Clause 1 regarding which, I think, there is to be some misapprehension. If that proviso were struck out, the Ordinance would materially differ from the law which prevails in India where only piece goods manufactured in premises which are a Factory as defined in the Indian Factories Act require to be marked. The definition of a Factory is as follows:—

"Factory" means any premises (other than indigo-factories or premises situated on, and used solely for the purposes of, a tea or coffee plantation) wherein is carried on, for not less than four months in the whole in any one year, any process, for, or incidental to, making, altering, repairing, ornamenting, finishing or otherwise adapting for use, transport or sale, any article; and (a) wherein steam, water or other mechanical power is used in aid of any such process; and (b) wherein not less than one hundred persons are on any day simultaneously employed in any manual labour in, or incidental to, any such process.

The effect of the proviso, which has been misunderstood by some people, will be to exempt such goods as are exempted in India. It has been considerably inserted at the instance of His Excellency to relieve such local manufacturers as are found in Batticaloa from the obligation to mark their hand-made goods. It would be unreasonable to require them to use English numerals. Most of them I suppose are not acquainted with English numerals. Moreover, the goods themselves are not such as are contemplated in the Ordinance. They are not ordinarily sold by length or by the piece, the purchaser invariably measuring the cloth before concluding a purchase. These goods never come into competition with those imported into the Island, nor are they ever exported. The omission of the proviso referred to might entail mischief and hardship on the poorer classes of native cloth weavers and the Council will do well to retain it. With this explanation I beg to move the first reading.

The Hon. the Acting COLONIAL SECRETARY seconded and the bill was read a first time.

The Hon. the ATTORNEY-GENERAL gave notice that he would move the second reading at the next meeting of Council.

#### MATRIMONIAL RIGHTS AND INHERITANCE.

The Hon. the ATTORNEY-GENERAL:—Sir, I would ask the leave of the Council to defer the motion which stands in my name for the first reading of "An Ordinance to amend the Matrimonial Rights and Inheritance Ordinance, 1876."

Agreed.

#### THE REGISTRATION OF MARRIAGES, BIRTHS AND DEATHS.

The Hon. the GOVERNMENT AGENT, WESTERN PROVINCE:—Sir, I beg to move the first reading of "an Ordinance relating to the registration of marriages, births and deaths." Doubts have arisen as to the legality of the registration of certain marriages, births and deaths; and it has become expedient to remove such doubts, which I may explain have arisen from defective administration of the ordinances which are enumerated in the first section of this draft.



You will notice that there are no fewer than six Ordinances, from No. 4 of 1847 to No. 9 of 1874, which govern the registration of marriages, births and deaths in this colony, and I may be permitted, while I am moving the first reading of what I believe is not the last Ordinance on the subject, to express the hope that before long a consolidation of these laws may be taken in hand. Those who have to do with their provisions can testify to the great difficulty they experience in finding out what is law and what is not law; what has been repealed and what has not been repealed. The defects to which I have referred have been caused partly by the non-establishment or imperfect establishment or abolition of registration districts; and partly by irregular appointment or non-appointment of persons acting or purporting to act as registrars under the provisions of the law. The bill will cure all these defects up to the date of the passing of the ordinance. Marriages which have been declared valid by a competent court will not be affected by the bill, nor will marriages the invalidity of which has been cured by subsequent valid marriage. I think, sir, there is nothing else I need say upon the subject but simply move the first reading.

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

The Hon. the GOVERNMENT AGENT, W. P., gave notice that he would move the second reading at next meeting of Council.

#### THE PATENT LAW.

The Hon. the SURVEYOR-GENERAL:—Sir, I beg leave to move the first reading of "An Ordinance to consolidate and amend the Law relating to the granting of Exclusive Privileges to inventors." The bill now before the Council is an adaptation from the latest Indian Patents Act of 1888, while advantage has been taken of recent legislation in England, commencing with the Patents Act of 1883, to incorporate in this bill such provisions as are applicable to our peculiar local circumstances. Both procedure and the substantive law of patents have been modified, more particularly the former. The principal changes in procedure have been as follows:—First, that two or more persons, one of whom must be the inventor, can join in a petition for the grant of exclusive privilege. (2) The mere importer of an invention can no longer acquire a grant of exclusive privilege. (3) The steps necessary to acquire a grant of exclusive privilege are fewer than before. (4) The petition and specifications may be sent by post. (5) Between the time of forwarding a petition and filing the specification a period of six months, which may be extended to nine months, is allowed during which time the inventor has the opportunity of perfecting his invention. He is provisionally protected during that period, so that no adverse effect, legally, attaches to the user or publication of his invention. (6) Then the fees are considerably reduced. A man can receive protection for a period of four years on payment of a sum of R40. During that time he has ample opportunity of discovering whether his invention is remunerative or unremunerative. If the former, he can continue his exclusive privilege up to the term of 14 years by paying the fees laid down in the schedule. If on the other hand it is unremunerative, he can drop his patent by ceasing to pay the prescribed fees. (7) Under his new Ordinance foreign patents can be admitted into this country. (8) Lastly, the Governor in Executive Council is empowered to make rules under this Ordinance. Such are the changes in procedure. With regard to changes in substantive law these are very few. The old decisions of the Courts as to what is a patentable invention, as to

the ingredients of novelty and utility, which every patentable invention must possess, as to the contents of specifications, and as to the infringement of patents are still applicable to grants of exclusive privilege under this Ordinance. The duration and extent of patents are the same as before. British and foreign patents if filed in this country run until their revocation or expiration in the countries in which they were originally taken out. A further change in the law is that the Governor in Executive Council is empowered to order patentees to grant licenses if they fail to grant them upon reasonable terms and where the public are suffering from want of the thorough use of the invention. Furthermore the right of the Crown to use a patent without compensation is now taken away. Such sir, are the main features of the changes introduced by this bill, and as Your Excellency said in your address at the opening of this session, it is hoped that this bill will meet the legitimate requirements of inventors and further stimulate the inventive talent of the inhabitants of this colony.

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

The Hon. the SURVEYOR-GENERAL gave notice that he would move the second reading of the bill that day three weeks.

#### SANITARY RATE.

The Hon. the GOVERNMENT AGENT, C.P.:—Sir, I rise to move the second reading of "An Ordinance to make provision for imposition of a Sanitary Rate in certain Localities." I entered into the purpose and provisions of this bill when introducing it at the last meeting of Council; but in speaking then of the exclusion of the *unofficial* element from the administration of the fund to be created, I perhaps did not express myself very accurately. What I should have referred to was the absence of an *electcd* element, and I should have referred to the administration of the fund by an Official Board in the sense only that Boards of Health are appointed by the Governor who has power to select for appointment to these Boards unofficials as well as officials. To make the powers of the Governor quite clear in that respect it will be proposed in Sub-Committee to insert in this ordinance section similar to one which it was proposed to make applicable to the ordinance relating to markets in the Northern Province to the effect:—

All public markets in the Northern Province shall from and after the coming into force of this Ordinance, be, and the same are hereby vested in the Board of Health of the said Province as formed and constituted by the appointments from time to time made by the Governor under and by virtue of the powers on him in that behalf conferred by section 2 of the Ordinance No. 8 of 1866.

Provided that the officer for the time being acting as Government Agent of the said province shall, from and after the coming into operation of this Ordinance, be *ex officio* a member of the said Board and Chairman thereof, anything in the Ordinance No. 8 of 1866 to the contrary notwithstanding.

It will thus be seen that the appointment to Boards of Health was not limited to officials nor limited in respect to number. The hon. member who represents the planting community has expressed some apprehension as to the effect of the 26th clause of this bill, and I may state for his information and the information of those who feel any anxiety on that subject, that no infringement of anybody's manorial rights is intended; nothing is referred to here but the sweepings of the streets. I move that the bill be read a second time.

The Hon. the Acting COLONIAL SECRETARY seconded.



The Hon. P. RAMANATHAN:—Sir, this bill practically proposes to establish a land tax at the rate of 4 per cent and to deliver the proceeds of the taxation to Government Agents, euphoniously called "Boards of Health" in this bill. Why, sir, it was believed that the millennium of politics had arrived when we had disposed of the grain taxes; but with the appearance of this bill we see that the demon of taxation is still triumphing. (Laughter.) There can be no doubt about this bill imposing a land tax in Ceylon, and a very general land tax too, because by the 5th clause of this bill a provincial Board of Health is authorized

"to make and assess, with the sanction of the Governor and Executive Council, any rate or rates on the annual value of all houses and buildings of every description, and all lands and tenements whatsoever within any town or village brought under the operation of this Ordinance, and situated within the province for which such Board of Health is constituted. Such rate or rates to endure for any period not exceeding twelve months. Provided that such rate shall not exceed the sum of four per centum on such annual value."

Now, sir, we have some experience of how villages have been brought under the operation of the Village Councils Ordinance. By Your Excellency's own proclamation of 24th Sept. last year, no fewer than about 700 villages were brought under the Village Communities Ordinance of 1889; so that it is exceedingly possible, if the bill before us is passed, that we may see a large number of villages brought under the influence of the new ordinance from time to time. So long as Your Excellency is at the helm of affairs I have no doubt, if it is not Your Excellency's intention to give the sweeping effect to the Ordinance that I fear, you may not proclaim the Ordinance as generally as we fear; but what about Your Excellency's successor? He may lose sight of the intentions of the past Government and give effect to the Ordinance in a very sweeping way indeed. I feel therefore that on principle I ought to oppose this Ordinance on the ground that a general land tax is not at all expedient for the purposes contemplated by the bill. I learnt from the speech which the hon. the mover made last week that not very large sums are wanted to give effect to this Ordinance; in fact he described the sums wanted as small. I am anxious to know whether a bill of such pretensions as this is necessary for the purpose of authorizing the Government of Ceylon to pay a small sum of money for the sanitary purposes in question. Is not the Government of Ceylon now possessed of revenue flourishing enough to bear the charge of the small sum which my hon. friend who sits opposite (the mover) referred to in his speech? A consideration of the objects of the bill lead to the same conclusion, that a special tax under present circumstances is not necessary. The object of the bill appears to be the collection of rubbish (Laughter), providing places for the deposit of filth, inspecting drains, latrines and unwholesome tanks, and seeing to huts and buildings that are dilapidated, overcrowded and unclean. I assure you, sir, that there are no other purposes appearing on the face of the bill than these. I have summarized all the clauses into these few words, and we are told that a 4 per cent land tax is absolutely necessary for realizing these trumpery and trifling objects! They are not very onerous, and may be entrusted to the hands of the Village Councils. In fact, sir, I took the trouble to go through the village rules, and I find that as a matter of fact the Village Councils have drafted rules of various descriptions for carrying out the very purposes named in the bill. I cannot comprehend for what other pur-

poses Village Councils exist than for such as are shown in this bill. I submit that, if money is required for such purposes, the communal funds of the Village Councils may be made to be quite equal to the charge; but if the communal fund is not equal to it, I desire to know, whether Village Councils have complained to Government of the want of funds. If they have so complained then why does not the Government hand over the fund proposed in the bill to the Village Councils, but would hand it to Boards of Health, in other words the Government Agents of each Province? Is it really necessary that villagers should be looked after in this manner by two Boards simultaneously? Are they not sufficiently ridden already by the Village Councils? Is it necessary now that they should also be ridden by Boards of Health? I do not speak, sir, of the third power that rides them, that is to say the Nuisances Ordinance of 1862 and the Penal Code; I may refer to it later on. If however the Village Councils have not called for funds, then I ask what is the reason of this bill? It may be said that this bill does not intend to deal with villages which are already within the purview of the Village Councils. Then I take it that the bill can apply to only three classes of places. First, to places which have not had Local Boards given them already for some reason or another—places like Jaffna or Moratuwa for instance. Your Excellency will remember that Ordinance 9 of 1887 empowers the Governor to bring any town or towns whether mentioned in the schedule of the principal ordinance or not under the operation of the Local Boards Ordinance of 1876. It is therefore within Your Excellency's power, if there are towns and places which deserve the institution of Local Boards, simply to proclaim such towns under the Ordinance 9 of 1887. I enquired yesterday at the Secretariat whether, since the passing of that ordinance, any proclamation had been made in the island. I have not yet received any information on that point, I believe it was whispered in the office that the Ordinance, so far as that clause went, was a dead letter. Well, then, it appears that notwithstanding the facilities afforded by the Ordinance 9 of 1887 there are not at present any places worthy of possessing Local Boards, other than those places which have been given that organization already. The bill therefore cannot be said to apply to such places. Let us next see whether it may affect places on which Europeans and Burghers reside. Such places are excluded from the operation of the rules of Village Councils. Do the framers of the bill mean to collect a sanitary rate of 4 per cent from such places? Most of these places are obviously in the planting districts, and I wish my hon. friend who represents the European planters (Mr. Kelly) were in his place today to deal with this part of this question. He has written to me that he is unavoidably absent. The hon. mover thinks that there is only one clause to which the member for the planting community can object, the 26th clause relating to the carting away and sale of manure. But what about the 10th clause? There are hundreds of estate owners, Europeans and natives, in the planting districts who have to build huts, and other classes of buildings, and are they to be compelled to obtain special permission from the Provincial Board to put up every building they may require? If such permission is not obtained beforehand, the Board may pull down the huts and lines erected. Why all this interference? Where is the occasion for it? Till it is shown that the places owned by Europeans and Burghers are filthy or obnoxious, the land



tax called sanitary rate should not be imposed on them. Then we come to the third class of places which, it may be contended, require to be brought within the operation of the bill, that is, places over ten acres in area which are not within the purview of the Village Councils Ordinance. If that be the idea of the framers of the bill, the bill becomes of much interest to a vast number of persons and other well-to-do people. Ten acres are few and far between smaller blocks, and I do not see why such places should be called upon to pay a four per cent land tax? For whose benefit are they to pay it? I think they will be quite justified in resisting any such demand. If the bill is not required for the three classes of places I have named, nor for the villages under the jurisdiction of the Village Councils, to what other places may it apply? I know of none. Under any circumstance, it appears to me, sir, that the framers of this bill have lost sight of not only the Village Councils Ordinance but also of the Nuisances Ordinance of 1862. Anybody perusing that ordinance will see at once that the objects contemplated by the bill may be easily realised by enforcing this ordinance. A number of acts and omissions are constituted in it as offences under the name of "nuisances," and anyone who commits any of the nuisances referred to will be liable to be punished. Why the punitive clauses of this Ordinance have not been enforced more than they have been I do not know. The classes of acts made offences may be judged from the following notes which appear on the margin of the Nuisances Ordinance:—keeping houses and so on in a filthy and unwholesome state; having foul and offensive drains; allowing dung to accumulate; keeping cattle, swine and so on, in a way that is injurious to health; allowing houses to be in a state ruinous or likely to fall; casting dead animals in streams; keeping coconut husks in an offensive state, and so on. All these are constituted nuisances—the very class of cases contemplated by the present bill. And then the Nuisances Ordinance provides that the Board of Health may give notice to the owner or occupier of the house or building to abate the nuisance, and if the nuisance be not abated the man is liable to the penalties of the law. I submit, sir, that nothing more is needed in the interests of sanitation in Ceylon, in localities where Local Boards and Municipalities need not be established. I shall call the attention of hon. members to the fifth clause of the Nuisances Ordinance, which empowers a Board of Health to make by-laws with regard to the removal of ashes, rubbish and manure, the covering of drains, &c. I wish to know why the sleepy Board of Health, the principal member of which is the Government Agent of the province, has not risen to the responsibilities of its position and made such by-laws as were required for each province. I believe, sir, that we have sufficient machinery in existence already to carry out the objects contemplated by the bill before us. I do not see why we should go on multiplying ordinances in this manner. Nor do I see any necessity at all for a land tax of 4 per cent. It is clear to me, sir, that the framers of this bill have failed to appreciate sufficiently the well-known principle of legislation that if taxes are to be raised for local needs the persons directly interested ought to have a voice in proposing the taxes, and ought to be allowed to expend the proceeds of the taxation in a way that suits them or their representatives best. The principle is, no taxation without representation. The framers of the bill seem to think that taxes for purely local purposes may be raised through the instrumentality of the Legislative

Council which knows nothing about the wants and wishes of communities vegetating far away from Colombo; and that the taxes so raised, without at all consulting the people concerned, be entrusted for expenditure to men who can in no way claim to be their representatives. I say, sir, that both upon principle and upon the merits of the case I cannot help raising my voice against this bill. I move, sir, that it be read this day six months. (Applause from unofficials.)

The Hon. Dr. ANTHONY said:—Sir, I am very glad to hear of any measures which the Government is disposed to take to improve the sanitary condition of the island, its villages, towns or this city; but it does not appear to me that this ordinance will accomplish all that it is intended to do. At first sight it looks well, but on closer observation it is not found so satisfactory. We have, I think, enough of ordinances to compel householders in small and large towns, and in this city to keep their places clean, to prevent overcrowding, to allow free ventilation, to attend to the state of the drains and to prevent cesspits, &c., from becoming a nuisance and a source of danger to public health. Are all these observed; and do those in authority and who have the power to see these measures carried out attend to them, or omit to do so for some reason or another? As there are village councils, or gansabhawas, they are expected to do this work in villages. Within the Municipality of Colombo with the aid of the police, and armed with authority, as they are, if sanitary defects, which could be easily removed, are allowed to exist, is it to be hoped that by taxing the poor villager that better sanitation will be carried out in villages? Look at the city—nuisances are constantly witnessed on its roads and streets—the water supply is daily being allowed to run to waste, which would help to give a water-hole or a trough for cattle to drink, and also permit a cistern full of fresh water for the public to bathe instead of washing themselves in the semi-sewage water of the Colombo lake. Nor is there a place for the washermen and washerwomen to disinfect and wash clothes, and they are permitted to do their washing by the side of a latrine with the surface sewage flowing into the lake, the water of which they use, and dry the clothes in the vicinity of the latrine, which cannot but make the clothes smell. Are these not defects easily remedied; and why is that not done? Are the sweepings and other matters which are daily carried out of the city burnt or destroyed, but deposited in swampy ground to generate flies which are a pest to the public; and during epidemics of contagious diseases helping to spread the disease. Surely, sir, when it is found hard to carry out measures of this kind in a city, will they be effectually carried out in villages? All what is wanted is an active and properly qualified sanitary officer whose duty it should be to visit every village and hut and to report for the information of Government what ought to be done to each place, and for Government to have these suggestions carried out by its respective officers. To impose a 4 per cent rent on villagers' property and to collect the tax it will be no easy matter. It must be considered that the tax is a direct tax; and a tax of this kind falls heavy on a poor oriental people, as in the case of the house tax, road tax and the abolished paddy tax. Taxes of this nature cause much misery to the poor. The machinery for collecting the paddy tax, or commutation, which will cease to exist at the end of the year, will again be brought into operation if this ordinance is passed. If the object of this ordinance is to improve the sanitary state of villages and small towns, in



order to prevent the spread of epidemic and contagious diseases, may I ask what are the diseases which cause great mortality when introduced? Cholera and smallpox. Both these diseases are introduced from India by either Tamil coolies or Malabars, either from the North Road or from ships from infected ports. Cholera was unknown in this island, as far as we know, at the time of the Sinhalese rule, nor at the Portuguese occupation of the country, nor during the Dutch administration, nor during the early British occupation, until Tamil labour was got from India to the coffee plantations. Inasmuch as Government encourage emigration and protect immigrant Tamil coolies, and as they introduce the disease, it is the duty of the Government to pay the cost of sanitation in villages from the general revenue to prevent cholera taking hold in villages and the poor villager should not be taxed for this. What direct benefit do the villagers get from the introduction of Tamil labour? The Tamil labourer cheapens labour to help to grow products for the markets of Europe and to increase the revenue of the country; and when his work is done he returns to India to spend his savings; and what he does to his fellow labourers of the country is to bring disease, misery and premature death. I therefore think as the colony is much benefited by Tamil labour, the sanitation in villages should be carried out at public expense from the general revenue as in the case of irrigation. In towns it is a different matter: with a mixed and well-to-do population a tax of this kind is better borne. In villages and on estates for a Board to retain the manure, &c. collected would be wrong, as the manure is for use on the plantation and consequently it would not be proper to deprive the landholders of the dung of his cattle. Collections of manure need not be heaped near dwellings so as to endanger health; this may be easily avoided. I am glad to find that this will not be the case. If it is the intention of Government to pass an ordinance of this kind it should be one which would not be oppressive to the poor.

The Hon. W. W. MITCHELL:—In the time of Your Excellency's predecessor there was no end of legislation on every conceivable subject; in fact legislation appeared to be done to death; and it looks at the beginning of another session as if we might drift into something of the same kind judging by the ordinances now before us, more especially the one now being discussed. It appears to me that the existing ordinances are amply sufficient for the purposes set forth here. No. 6 of 1866 provides for the election of Boards of Health; the Nuisances Ordinance provides the necessary machinery; and, again, in Chap. 14 of the Penal Code all that is further required seems to be provided. In clause 2 of this ordinance now under discussion it is stated that by proclamation the limits of villages may be defined. Well, what is contemplated by a village under this ordinance? One would suppose from the first clause that it related to small towns, whereas a village in the common acceptance of the term in this country often extends over miles and includes estates within its boundaries. If assessments are made at all as provided for in clause 5 it appears to me that it should be by a Local Board which might consist of the magistrate and doctor of the district, and, perhaps, two civilians, not officials. There are many estates upcountry having within their borders what might almost be called small towns—estates with a number of caddies all of which or most of them I suppose are let on lease. Now if the owner is taxed the taxation will fall upon him alone, while those who occupy these buildings will

escape, which I presume is not the intention of the ordinance. Under clause 10 a proprietor of an estate cannot erect a cadjan shed or make any trifling alteration on his bungalow or any of his property without first obtaining the sanction of the Government Agent. Now it appears to me that would be simply intolerable. In clause 19 it is stated:—

“It shall be lawful for the board of the province to compel any person employing large bodies of workmen or labourers to provide and maintain such latrine or latrines as may to it seem fit, to cause the same to be kept in proper order and to be daily cleaned. And should such person neglect to provide and maintain such latrine or latrines, or to keep the same clean and in proper order, the board may construct and cause such latrine or latrines to be kept in good order and cleaned; and the expense incurred by the board in respect thereof shall be paid by the person aforesaid, and shall be recoverable from such person.”

Now I would ask, is every planter to provide latrines on his estate for all his coolies who perhaps would never think of using them? Clause 26 distinctly provides for the appropriation of manure, night soil and the like, and everything of that nature is invaluable on an estate. The ordinance altogether is a crude piece of legislation in my opinion, as unnecessary as it is imperfect, and will become an engine of oppression. For these reasons I oppose the second reading.

The Hon. J. J. GRINLINTON:—I feel in duty bound to support the previous speakers on the subject of this bill. I see very grave objections to the bill; and while I shall travel but as little as possible over the ground taken up by others who have made their remarks ably and practically, I would invite attention to the second part of the fifth clause. It seems to me, sir, that unless the term village be defined and distinctly shown to be a number of houses closely situated on a main thoroughfare and likely to cause a public nuisance, the bill should not be passed. If the term were applied to what is generally known as a village in Ceylon then we have villages in which estates are situated; and taking as an instance one in which an estate is situated, that estate may not be very valuable, but there are many of them worth R100,000, and 4 per cent on that means R4,000 a year, of which one-tenth or R400 will give the approximated annual assessments. I am sure it could never have been the intention of Government to put such a tax as that upon the owners of estates, but as the bill stands it is nothing more nor less than a land tax of that percentage which is proposed. In clause 5 it is very distinctly stated that the maximum is 4 per cent, and while it is true that the tax might only be 1 per cent or less we must bear in mind that once this bill passes into law it is in the power of the Governor in Executive Council on the recommendation of the Local Board to levy 4 per cent. Well, I am of opinion that the law as it stands is quite equal to do that which was apparently in the mind of the framers of this ordinance as regards sanitation. You have the machinery and the law to enable you to put that machinery to work, and if only those in authority will exercise a little more energy they will soon cleanse the villages referred to. It is the absence of “go” that has caused the introduction of this new measure. (Applause.) From clauses 6 and 7 it is quite clear that this levy is to be in addition to the Police tax; and while I admit that the explanation given by my hon. friend the Government Agent for the Central Province may perhaps modify clauses 8 and 9, dealing however with the constitution of the Board, it is as distinct as possible that there may be only two members



present on that Board, one of them being the Government Agent who is to have a casting vote. Now I should like to know what kind of a Board that would be? I do not mean to say that the Government Agents would not exercise a wise discretion—I know that many of them do so, but there may be others who would not do so, and therefore I think it would be a great pity if an ordinance permitting the limit of numbers like this and imposing such a tax were allowed to pass. I come now to clause 10 in regard to which my hon. friend the mercantile member has used the word intolerable—the very word that I purposed using myself. I certainly think that properties on a main thoroughfare should have laws applied to them very different indeed from the laws that may apply to properties situated at a distance from a road; but imagine a man having property away from the road who wished to erect a hut or shed or stable or latrine or place for his coolies having to go through the process of applying to the Board of Health for permission to do so. I say it would be intolerable and such a law ought not to be passed by this Council. If I correctly understood my hon. friend the Government Agent for the Central Province the last paragraph 26 is to be recast. If so, well and good, but certainly as it stands it enables the Board of Health or whatever the machinery is, to go to a man's property and take away all the manure he had been collecting for the purpose of adding to the fertility of his estate. I mention this now after the explanation given by the Government Agent for the Central Province, with the view of showing how loosely this ordinance has been drawn up and that the matter could not have been considered so seriously as subjects involving taxation ought to be. I therefore trust Your Excellency will see your way to withdraw this ordinance and to recast it in such a manner as to meet the exigencies of particular cases in any new law be necessary.

The Hon. M. C. ABDUL RAHIMAN.—Sir, I am in favour of improving the condition of the villages which have hitherto been without any control, and if Government is prepared to spend the money from the general revenue I think it will be a blessing to the villagers. Such villages as are under the Gansabhawa rules should be directed to observe the sanitary rules without any further taxation. A tax on real property would be a burden upon the villagers because most of the dwellings are huts made of mud walls and are subject annually to damage by floods. It is too soon to convert the villages into something like small municipalities.

The Hon. MR. SENEVIRATNE.—Sir, I was hoping to hear my hon. friend refer to the necessity for this ordinance. As far as I can make out I think it is likely to prove a very oppressive and needless one. I cannot see that Government Agents have not already the power to remove nuisances and provide for the sanitary state of the villages. The criminal law, I believe, makes sufficient provision to meet all wants, and the only way I can account for this ordinance is that Government Agents having, by the abolition of the paddy tax, been relieved of a great deal of work that they were previously burdened with, and having more leisure on their hands, wished to have the working of the Boards of Health. Their authority however will have to be deputed to others who may turn out oppressive as men of that class had done before. I regard this ordinance with very great alarm, sir, and therefore though I was unfortunate not to hear the reasons that were stated on the introduction of the ordinance, as I have not been

able to gather from the speeches, I have heard today that there have been any reasons in support of it, I cannot but oppose the passing of this measure.

The Hon. T. B. PANABOKKE.—I wish also to add a few remarks before voting on either side of this question. If the object of this ordinance is to be the imposition of a general land tax as is contended by my hon. friends on this side of the house I think I shall be bound to oppose it. My own idea of the necessity of this bill was that I thought it was introduced with the object of meeting certain wants which have not been met by the Ordinance which creates Local Boards or Boards of Health. There are a large number of bazaars or towns or villages or whatever they are called, especially in the Central Province, in the coffee districts, where some rule or law would be necessary to enforce sanitation. If that is the object of this ordinance I certainly would vote for its second reading, but the ordinance as it stands has been so loosely worded that I think its consequence would be the imposition of a general land tax. I am still in hope of bearing that it is not the intention of Government to do that. If it is merely the intention, as I have said, to touch places that have not been touched by the other ordinances and to enforce rules for sanitation I think it would be a beneficial measure. In my own experience I have seen encroachments made on roads, and the fact of their not being removed was I thought attributable to the want of a measure similar to the one now before the Council. My hon. friend who represents the Tamils told us that the Gansabhawa excludes bazaars and estates over 10 acres in extent; and it is therefore necessary that there should be something to regulate sanitation in such places. In reading over the Village Communities ordinance I find that there is no special provision which enables the Village Committees to frame rules for sanitation, and I thought that this ordinance would supply that want. My hon. friend said at first that the object of the ordinance was to collect money and then he said that the object was to collect rubbish. My own impression was that the object was to remove rubbish and filth, and if that is the object I certainly would vote for the second reading. If however it is intended to tax the people and impose a general land tax I cannot for a moment support it, and therefore I hope to hear that the object of the ordinance is not to impose a land tax but merely to enforce rules for sanitation which cannot be enforced under the other ordinances.

The Hon. the GOVERNMENT, AGENT, W. P.—Sir, I may be permitted to make a few remarks after what has fallen from my hon. friend, especially as parts of my province have been referred to. I should say that the idea which the hon. member who represents the Kandyans has formed of the ordinance is the correct one. It is intended to apply to such places as cannot or will not be governed by Municipalities or Local Boards—places where there are large congregations of natives who are not particularly clean in their habits, and where it has become absolutely necessary to provide some means of sanitation. How anyone can say that a tax which has been distinctly described as one which shall be levied and recovered as the police assessment is now—how that can be by any means twisted into meaning a land tax I cannot imagine. The hon. the Tamil member says the rate is 4 per cent, but it is more correctly described as “not exceeding 4 per cent” and clause 5 to which he refers



contains this very important provision which exists in the Municipal and Local Boards Ordinances:—

“It shall be lawful for the board of health of any province, and it is hereby authorised, subject to the provisions hereinafter contained, once a year, if it shall think necessary, to make and assess, with the sanction of the Governor and Executive Council, any rate or rates on the annual value of all houses and buildings of every description, and all lands and tenements whatsoever within any town or village brought under the operation of this Ordinance, and situated within the Province for which such board of health is constituted. Such rate or rates to endure for any period not exceeding twelve months.”

When I read this bill and noticed that, I made a suggestion to my brother Government Agent that we should endeavour to fix the annual value of the tenements to be exempted under the proviso, but after some discussion it was thought advisable to leave the proviso as it is in the meantime. I presume the bill will be sent to a sub-Committee and may there undergo considerable alteration. The clause about giving notice in connection with the building of huts, sheds, and so on may very well be altered, and may state the particular purpose for which the ordinance is passed better than it does at present. I am particularly interested in this ordinance, and I am very glad that the hon. gentleman who represents the Tamils has given me the opportunity of explaining why I should give my support to it. I have in my province a large town called Moratuwa—one of the largest towns in Ceylon I think—almost as large as Jaffna—and we have tried in vain to induce the people there to place themselves under self-government of some kind with the object of improving the sanitary condition of their town and availing themselves of municipal government generally. About fifteen years ago my distinguished predecessor, Sir Charles Layard, tried to persuade the people to adopt the Municipalities Ordinance, and my immediate predecessor, Mr. Saunders, tried to induce them to place themselves under the Local Boards ordinance, and failing in that tried to induce them to place themselves under the Village Communities ordinance, but failed again. I myself passed a miserable ten days amongst these people lately, and was defeated at every turn. Nothing I could say could induce them to make rules under the provisions of the Village Communities Ordinance of Sept. 1891. The Proclamation which the hon. gentlemen quoted just now was merely a repetition of many previous ordinances—a consolidating Proclamation by which certain parts of the Western Province and subdivisions of Korales, which had been omitted from previous Proclamations for reasons I could not ascertain, were provided for and the whole of the Western Province brought under the operation of the ordinance. Moratuwa and Panadura have refused to pass any bye-laws, rules or regulations for the conservancy of their towns, and these are the places to which this ordinance is specially applicable. They will not take advantage of the law—they will not take advantage of the Village Communities ordinance—and we must approach them by some other legislation. The hon. member said legislation existed. He referred to the Nuisances ordinance and said the Board had already power to make these bye laws; but there is no power and no funds to carry out the bye-laws. What we want is money—not much, but we want money to pay scavengers, carters, and so on in connection with the cleansing arrangements. The hon. member who represents the Tamils rather laughed at the kind of work for which provision is made in the ordinance, but the work is just that of ordinary sanitation

and what is wanted it is what the town of Moratuwa wants. The hon. gentleman who represents the Burghers said that legislation was unnecessary and that what was wanted was more action. If he had consulted the members of the Board of Health in my province he would have found that there was a good deal of action going on. It consists of members who are not likely to accept any undue interference or part of the Chairman. The Colonial Surgeon, the Provincial Engineer and Chief Surveyor are members and I act as a Chairman. It will be seen that under the 9th section the acts authorized or required by virtue of this ordinance shall be done by a majority. The hon. member who represents the European community thinks the number too small, but he forgets that work now is generally done by committees and the circulation of papers so that members can express their opinions and have them recorded. One hon. gentleman stated that since the abolition of the grain taxes the Government Agents having little to do were like the lion going about seeking whom they might devour. Well, so far as I am concerned the abolition of the grain taxes has made very little difference to me; and if he had borne in mind that, with fiscal's work and police supervision Government Agents' duties would be very largely increased, he could never have thought for one instant that this ordinance was the outcome of any idle moment, at any rate, on the part of the Government Agent of the Western Province. The hon. gentleman who represents the Burghers asked why Government did not pay for sanitation in the same way as they did for irrigation; but he forgets that, while we pay for irrigation, Government levies an irrigation rate which is a great deal more than 4 per cent on the annual value of the property. I have nothing further to remark except that I hope the bill will be passed into law.

The Hon. the GOVERNMENT AGENT, C. P.:—Sir, I do not propose to answer in detail all the objections that have been raised on the unofficial side of the house. I feel sure that when the bill comes to be considered in Sub-Committee a good many of them will be found to have no foundation whatsoever. I should like however to assure my hon. friend who represents the Kandyans and the Council generally that it is only intended to apply this Ordinance to roadside townships. (Applause.) The definition of the term and the delimitation of townships are not very difficult, and I trust that the assurance that no township not on the roadside will be affected by this ordinance will be sufficient at any rate to remove the objections and doubts of some unofficial members.

On a division the second reading was carried by 9 to 6, the division list being—

Ayes. (9).		Noes. (6).	
The Hon. T. B. Panabokke	The Hon. Abdul Rahiman		
“ the Prin. Collector	“ J. J. Grinlinton		
“ of Customs	“		
“ Surveyor-Gen.	“ A. de A. Senewiratne		
“ G. Agent, C.P.	“ W. W. Mitchell		
“ “ W.P.	“ P. D. Anthonisz		
“ Treasurer	“ P. Ramanathan		
“ Auditor-General			
“ Attorney-General			
“ Colonial Secretary			

The Hon. P. RAMANATHAN:—May we give notice of protest at next meeting of Council?

H. E. the GOVERNOR was understood to reply in the affirmative.

#### THE SANITARY RATE DEBATE.

The Hon. the GOVERNMENT AGENT, C.P., rose to move that the bill be referred to the following Sub-



Committee:—The Hons. the Auditor General the Treasurer, P. Ramanathan, J. J. Grinlinton, L. H. Kelly and the mover.

The Hon. the Acting COLONIAL SECRETARY interposing moved that the Council go into Committee on the bill.

The Hon. the ATTORNEY-GENERAL seconded.

The Hon. P. RAMANATHAN:—Sir, the hon. the mover says that the intention is to confine the operation of the bill to roadside townships. I do not quite understand what townships mean. Perhaps he would give us a definition as regards the area of such towns, their population, and how far removed they may be from the road. Neither do I know, sir, in what respect the bill is to be amended in regard to roadside towns. My hon. friend the Government Agent for the Western Province said he would support the bill because it would enable him to overcome the opposition of places like Moratuwa and portions of Panadure. Now the question is—Will my hon. friend the mover of the bill insert in the bill such provisions as may be necessary to prevent the imposition of this ordinance where Local Boards would be preferred? I am very much interested, sir, in this matter, because it affects Jaffna and portions of the Eastern Province. I am not blindly opposing this bill. I am opposing it with my eyes quite open. I should like to hear what my hon. friend has to say about the definition of these townships and whether this bill will not be forced upon townships which prefer to have Local Boards.

The Hon. the GOVERNMENT AGENT, C. P. (after a pause) moved his motion for the reference of the bill to a Sub-Committee.

The Hon. P. RAMANATHAN:—This is hardly fair, sir, because I asked for information in order to enable those of us who have opposed the second reading to see whether we could accept the motion for a committee. If my hon. friend does not wish to enlighten us we have no other alternative but to oppose this motion.

The Hon. J. J. GRINLINTON:—The bill has passed the second reading, and being outvoted we must accept that position, but I think some explanation from the hon. mover of the bill in reply to my hon. friend the Tamil member is desirable. I for one am not opposed to legislation that will meet cases such as those enumerated by my hon. friend the Government Agent for the Western Province, but I am opposed to this bill as it stands. I may not be opposed to an amended bill as it may be brought in hereafter, and I therefore think my hon. friend's question should be answered before sending the Bill to a Sub-committee.

The Hon. A. DE A. SENEVIRATNE:—Sir, perhaps I may be allowed to supplement the question by asking the Hon. the Government Agent, C.P., to give us an example of a township which is not a roadside township.

The Hon. the ATTORNEY-GENERAL:—I rise to a point of order. The Hon. the Colonial Secretary moved that the Council go into committee on the bill, and I believe I seconded the motion. I am not aware that any amendment has been proposed by any hon. member, but if any amendment is proposed it can only be that the Council do not go into committee. The motion having been made and seconded, I think I may fairly ask that that motion be put.

The Hon. P. RAMANATHAN:—We did not propose an amendment at once, because we wished to be quite amenable to the mover of the bill. We do not want to create unpleasantness; we are willing and desire to work with him, but we wanted to know what our position would be when we got into committee. If his answer was unsatisfactory, we would then

move as an amendment that the Council do not go into committee. If my hon. friend says he has no definite views about the matter that is another thing. We should like to know his position with regard to answering a very conciliatory question.

The Hon. the ATTORNEY-GENERAL:—The Council is bound to go into committee today or fix another date.

H.E. the GOVERNOR:—I understand that the hon. the Tamil representative does not profess that his question is asked in order. He professes to ask the question informally with the view of eliciting information, and if the Council will allow the question to be asked in that way, and if the mover will answer it, I think that possibly we may arrive at a better understanding.

The Hon. J. J. GRINLINTON:—I think it was the proposal of the hon. the Government Agent, C.P., to refer the bill to a Sub-Committee that called forth the remarks of the hon. the Tamil representative, a Sub-Committee being proposed before we had properly discussed the subject. It is desired to get an answer to a simple question and if a satisfactory answer be given now perhaps we may join in the reference to a Sub-Committee.

The Hon. the GOVERNMENT AGENT, C.P.—Sir, if, I am in order I am perfectly willing to answer the question as far as I am able. I understand my hon. friend to put two questions, the first being as to the definition of township. It seems to me that the words sufficiently define themselves. A township is an aggregation of substantial buildings in which trade is carried on—I speak subject to correction—and of sufficient importance to justify its being called a town. The delimitation of it will probably be on the most reasonable lines that the Government can devise. It is desired that I should give an instance. I think I could give half-a-dozen instances. Madampe between Negombo and Chilaw, Hatton, and Ambalangoda in the Southern Province are all places in which the residential houses border the road, and it is only, as I take it, the residential portion to which this ordinance is intended to apply. As to the case of inhabitants of towns desiring to place themselves under the operation of the Local Boards Ordinance in order to avoid being placed under the operation of this ordinance, that is of course a matter which will require consideration by Government; and if the hon. gentleman will consent to serve on the Sub-Committee, he will then be able to obtain the necessary information which unfortunately I am not able now to give him.

H. E. the GOVERNOR then put the question that the Council go into Committee, and this having been agreed to, the bill was referred to the Sub-Committee already named.

#### RATES OF REAL PROPERTY IN COLOMBO.

The Hon. the Acting COLONIAL SECRETARY then moved the second reading of "An Ordinance to remove doubts as to the purposes towards which the rates of real property may be applied by the Municipal Council of Colombo."

The Hon. the ATTORNEY-GENERAL seconded.

The Hon. P. RAMANATHAN:—I have just a few words to say in reference to this ordinance. There seems to be some misapprehension about it. The Municipal Council of Colombo adopted a resolution arrived at by one of its sub-committees, which was passed on November 19th, 1891. The sub-committee consisted of Messrs. Cameron, Grinlinton, and Hay, and the resolution was in these terms: "That a section be inserted after clauses 162 or 127 of the Municipal Ordinance giving the Council power to expend on general purposes



any difference between the actual cost of police employed in the town and the sum paid to the Government for the purpose." It will therefore be seen that what was resolved upon by the Sub-Committee related only to the police tax. They meant to say that if the receipts from the taxpayers in respect of the police rate amounted to R75,000, and if their payment to the Government for maintaining the police was R60,000, the Municipal Council was to have liberty to divert the balance of R15,000 for general purposes. But this Bill refers not merely to the police-tax, but also to all taxes collected by the Municipality—I mean to say, taxes relating to lighting and water also. The Ordinance states that "When in the aggregate any rate or rates heretofore levied or which may hereafter be levied under the provisions of sections 127 of 'The Municipal Councils Ordinance 1887,' shall have exceeded or shall exceed in any year or years the sum necessary for the purpose or purposes in the said section specified, for which such rate or rates shall have been, or may hereafter be, made and assessed, it shall be lawful for the Municipal Council of Colombo to apply such excess towards the general purposes of the Colombo Municipality." I do not think, sir, that members of the Municipal Council care for a Bill of that kind. Your Excellency will remember the tax leviable for maintenance of police is  $4\frac{1}{2}$  per cent, and lighting the public streets  $4\frac{1}{2}$  per cent, and for supply of water  $2\frac{1}{2}$  per cent, making 11 per cent in all, which was fixed by the Ordinance 7 of 1886, section 12. Now, if there is a balance after the expenditure on police, or water, or lighting, it is only fair and just, sir, that the balance should be paid back to the taxpayers, because in 1886, when this Ordinance was being passed, it was distinctly said, in fact admitted by the Government, that 11 per cent was to be the maximum rate chargeable by the Municipality upon the ratepayers, and it was then understood that if any amount remained over and above the payment of these three specific charges, that amount should be held in trust for those special purposes or be refunded to the taxpayers; but now it appears that, instead of the refund being made, it is proposed that the balances should be diverted to general purposes. I believe that the hon. mover of the bill would refer me, in support of his contention, to the report of the Colombo Municipality forwarded to the Government in June last. In that report appeared these words:—

"That under the heads 'Rates and Taxes' or 'Police' a section be inserted in accordance with the provisions of the Ordinance No. 12 of 1878. This your committee recommend as doubts have arisen as to the legality of applying moneys, raised under the consolidated rate, to purposes other than those set out in sub-sections a, b, and c of section 127 of the principal ordinance."

This report is not signed by my hon. friend who represents the general European interests (Mr. Grinlinton). He will be able to speak with more authority than I can as to who framed this report and under what circumstances it was signed; but it is certain that it does not correspond to the resolution of the special committee passed on the 19th November 1891, after full inquiry. I have been asked to bring this misunderstanding on the part of the Chairman of the Colombo Municipality to the notice of the hon. members of this house. When such is the case, it is not right that we should pass the second reading of the bill today as it stands now. The intention of the Municipal Council was to ask for power to divert to general purposes the balance

of the police tax only; but the bill before us empowers them to divert the balance of two other taxes also, namely, the water rate and lighting rate. So far as the citizens of Colombo are concerned, they naturally expect that any balance, that may remain after expenditure on police, light and water, would be returned to them in the shape of remission of taxation. It would be a breach of faith if, instead of remitting taxes, the Government enabled the Colombo Municipality to expend the balances under those heads upon purposes other than police, light and water. The Municipality, for reasons which need not be gone into now, has thought it right that the balance of the police fund need not be returned to the ratepayers, and it has asked for authority to expend it upon general purposes. I shall not go against this proposal; but the proposal contained in the bill that the balances of lighting and water rates might also be so diverted is wholly unjustifiable. I trust that this matter will receive the earnest consideration of the Government, and that some understanding will be arrived at which would satisfy the Municipal Council, the ratepayers of Colombo and the Government.

The Hon. Mr. GRINLINTON:—In Your Excellency's address at the opening of the session the following words occur: "In the meanwhile, I shall ask you to pass a measure which has been applied for by the Municipal Council of Colombo, declaratory of their right to apply the surplus of rates on real property towards the general purposes of the Municipality." With all due deference I feel certain that in drafting this Ordinance the intention was to meet the views of the Municipal Council, and as I am a member of the Council and of the Committee and took a very active part in connection with the proposals that have been made, I can assure the Council there was no intention whatever of diverting any balance from the water or gas rates to any purposes other than those for which they are raised. It was limited entirely to the police tax. Several members were more than dissatisfied at the saving made in the case of gas and water, as there were many places where the tax of 11 per cent was collected where there was no gas or water. The desire of the Council was that the money collected for gas and water should be spent upon these two essential matters. In Sub-Committee the mistake or misunderstanding may be corrected, for I am sure that anything of this kind brought to the notice of my hon. friend the Attorney-General would receive attention, and therefore I shall be happy to see it referred to a Sub-Committee.

The Hon. Mr. SENEVIRATNE:—Sir, I am in agreement with the last speaker that the intention of the Municipal Council was to divert any excess over the police rate to other purposes. I do not think there will be any excess as regards water and gas, as a large part of the city is still unsupplied with these. I speak feelingly on the subject because the great part of the ward which I represent in the Municipal Council is not supplied, and there are also parts of other wards in that position. I believe it was the intention when the Waterworks Ordinance was passed and when the rate was raised to 11 per cent to limit the rate if possible, but it was understood then that unless the consolidated rate were 11 per cent it would not be possible for the Municipal Council to pay the Government the sum required. I find on reference to the debates on that Ordinance the Lieutenant-Governor said: "I am free to admit, as I did at the last meeting of Council, that it was anticipated by the Government and that it was anticipated by the Secretary of State that it would be



difficult to call upon the ratepayers dwelling within the bounds of the city to pay a higher rate than 10 per cent." Now, nominally, the ratepayers are paying 11 per cent, but practically they are paying 13 per cent, as several gentlemen at this Board found out. [The Hon. Mr. RAMANATHAN 15 per cent.] During the debate on the last bill the Government Agent, Western Province, remarked that the wording of the Bill was that the rate was not to exceed 4 per cent but the wording of the Waterworks Bill was also that the consolidated rate was not to exceed 11 per cent and we have found that the excessive rate has always been imposed without any reduction. If, therefore, there be any excess over the requirements of any particular year it is only fair the ratepayers should get it back, and not that it should be devoted to other purposes. It is not fair to collect money for one purpose and devote it to another, but as by arrangement with Government we pay a certain sum of money for the police I think it is only fair that anything over that should be devoted to other municipal purposes.

The Hon. M. C. ABDUL RAHIMAN:—Sir, some parts of the city are mostly inhabited by the voiceless poor class of the population within the Municipality; and not yet supplied with gas and water they are forced to pay the assessment including the gas and water rate; and until these works are completed, the rate on real property ought not to be applied to other purposes. After completion of these works any excess should be remitted to the taxpayers.

The Hon. the Acting COLONIAL SECRETARY:—Sir, I confess I am taken by surprise to hear the views which have been put forward by some members of the Municipal Council. The Government up till today had every reason for supposing that the bill now before the house was entirely in accordance with the wishes of the Municipality of Colombo. My reason for saying so is, first the report of the Municipality of Colombo which refers not only to the consolidated rate under section 127 ordinance 7 of 1887 but also to section *a* (which deal with the police) *b*, *c*, and *d* (which refer to the lighting of the public streets and to supply of water.) Therefore we had every reason for supposing that it was the wish of the Municipality that the limitation as to the appropriation of this consolidated rate should be done away with entirely. If any further evidence on that point is needed I have the letter of the Chairman of the Municipality of July 13th last which I will ask the permission of Council to quote from:—

"I have the honour to enquire whether the Government will advance to the Council the sum of R18,455.27, to be repaid when the appropriation for general purposes of the available balance under the head 'assessment' amounting at present to considerably more than this sum has been legalised."

We were asked therefore to advance a large sum of money on the faith of this Bill passing. So much with regard to what we were led to believe was the intention or wish of the Municipal Council. Now with regard to what has been said by hon. members as to the real intention of at all events certain members of the Municipal Council, I am afraid that that intention cannot be carried out. It is quite true that by the passing of the Ordinance 7 of 1876 there were three separate funds; but since the passing of the Ordinance 17 of 1887 there has been simply one consolidated rate, which is indivisible, and it is impossible for me or any member of this Council to say that a certain percentage belongs to police, to water or to gas. It cannot now be subdivided, but of course it is quite possible that there may be legislation in the future to do it. At present however there is only one rate, and the surplus on that rate is a consolidated surplus. Therefore I regret that what

hon. gentlemen have now brought forward is in the present state of the law impossible. This Ordinance has been before the public for some time, and no official action has been taken by the Municipality, no letter has been received from the Municipality pointing out that any alteration was needed.

The Hon. Mr. RAMANATHAN:—If that is my hon. friend's opinion of the law I should like to know how he accounts for writing the letter to the Municipal Council upon which the resolution of Council was passed on October 9th, 1891:—"That the balance of revenue from the assessment account available at the end of the year 1890 be separated from the general funds of the Council in accordance with the letter on the subject from the Auditor-General. That such balance of revenue be not spent for any other purpose than those for which it is levied." I understand from that letter that my hon. friend who was then the Auditor-General stated that the consolidated rate ought to be separated from the general revenue. [The Acting COLONIAL SECRETARY:—"Certainly".] Where, then, is the impossibility of splitting up the rate? We know as a matter of fact that the rates are as I have quoted already—4½ per cent for water, 4½ per cent for lighting and 2½ for police. Why should not the consolidated rate be split up in that fashion? I see no legal difficulty.

The Hon. the Acting COLONIAL SECRETARY:—The answer is because it is consolidated and a rate that is consolidated cannot be subdivided. In that letter I said that the consolidated rate should be separated from the other revenue of the Council, not that the consolidated rate itself should be subdivided.

The Hon. Mr. RAMANATHAN:—But we know that the consolidated rate is divided as I have stated.

The Hon. the Acting COLONIAL SECRETARY:—As a matter of history you know what the rates used to be, but since they are consolidated they cannot be legally divided.

The Hon. Mr. RAMANATHAN:—Will Your Excellency allow us some time to consult?

H. E. the GOVERNOR:—Yes.

The unofficial members then consulted together.

The Hon. Mr. GRINLINTON:—May I ask Your Excellency to adjourn the second reading for another week. There is evidently some misunderstanding in this matter.

H. E. the GOVERNOR:—You may move the adjournment of the debate?

The Hon. Mr. GRINLINTON:—Very well, sir. I beg to move the adjournment of the debate.

The Hon. Mr. RAMANATHAN seconded, and the motion was agreed to.

#### ADJOURNMENT.

The Hon. the Acting COLONIAL SECRETARY then moved that the Council do now adjourn till next Wednesday at 2-30 p.m.

Council rose at 5-30.

WEDNESDAY, SEPTEMBER 28, 1892.

Present:—His Excellency Sir Arthur Elibank Havelock, K.C.M.G., the Governor; who occupied the chair; the Hon. J. A. Swettenham, C.M.G., Acting Colonial Secretary; Sir S. Grenier, K.C.M.G., Attorney-General; Allan on Bailey, Acting Auditor-General; G. S. Williams, Acting Treasurer; A. R. Dawson, Government Agent for the Western Province; P. A. Templer, Government Agent for the Central Province; R. Reid, Acting Principal Collector of Customs; P. Ramanathan, C.M.G., Tamil representative; J. J. Grinlinton, General European representative; Dr. P. D. Anthonisz, C.M.G., Burgher representative; W.



W. Mitchell, Mercantile representative; M. C. Abdul Rahiman, Muhammadan representative; T. B. Panabokke, Kandyan representative; L. H. Kelly, Planting representative; and A. de A. Seneviratne, Sinhalese representative; also Mr. H. L. Crawford, Clerk of the Council.

*Absentees.*—H. E. Major-General Dunham Masey and Colonel the Hon. F. C. H. Clarke, R.A., C.M.G., Surveyor-General.

#### THE MINUTES.

The minutes of the last meeting of Council, held on Wednesday last, were read by the Clerk to the Council, and confirmed.

#### PAPERS LAID ON THE TABLE.

The Hon. the COLONIAL SECRETARY laid the following papers on the Council table:—

Regulations made by the Governor with the advice of the Executive Council under the provisions of section 36 of the Forest Ordinance, 1885.

Ceylon Administration Reports, 1891.

Part IV.—Miscellaneous.—Government Printing Office.

The Hon. the Acting COLONIAL SECRETARY then read the message from His Excellency the Governor.

#### MESSAGE TO THE LEGISLATIVE COUNCIL.

A. E. HAVELOCK:—The Governor has the honour of laying before the Legislative Council the Estimates of the Revenue and of the Expenditure of Ceylon for the year 1893.

The expected revenue has been diminished by the receipts from the paddy tax, which were reckoned at R893,000 for the current year, and no revenue can be anticipated from a pearl fishery in 1893.

It has been deemed prudent to calculate that the new Customs Duties on tobacco, spirits, and kerosine oil will not yield during 1893 an average year's revenue, as the knowledge that these duties are to come into force next year is probably stimulating the importation of a large stock of these commodities during 1892.

The Governor has every reason to expect that the improvement in the revenue from Licenses, from the Post and Telegraph Department, from the railway, and from Land Sales, anticipated in the accompanying estimates, will be realised.

On the whole, the Revenue for 1893 has been estimated at R17,847,984; that for the current year was originally estimated at R17,350,000, but the experience of the actual receipts for two-thirds of the year justifies the expectation that a total revenue of R17,871,000 may be attained in 1892.

In considering the Expenditure proposed for 1893 the attention of the Legislative Council is invited to these Estimates, to the Surplus Funds Bill, and to the Bill for appropriating certain Unclaimed Balances from the Loan Board, which will be laid before the Council with this Message.

By the Supply Bill the Governor proposes to appropriate R17,835,780, by the Surplus Funds Ordinance R1,752,013, and by the Loan Board Ordinance R81,938, making a grand total of R19,669,731.

In the Expenditure Estimates for 1893 the decrease in the gold value of the rupee has occasioned a very considerable addition to the Expenditure.

The calculations for 1892 were made at 1s 5d the rupee, and have proved insufficient; those for 1893 have been made at 1s 3d the rupee, and there may be reason to fear that these also may prove insufficient, as it is impossible to forecast with any pretension to accuracy the average rate which will prevail next year.

Chiefly on account of the increase in rupees necessary to effect fixed payments in gold the sum payable as interest on Public Debt has been augmented by R222,021 for 1893; a further sum of R50,000 has been included as interest and sinking fund on the local loan recently floated.

New pensions and the decreasing gold value of the rupee have rendered an increase of R86,240 necessary under the head of Pensions.

In Establishments there is a very large increase of R330,891, the principal factors in which are increased payments on account of the Police consequent upon the change in the administration and control of that Department recently introduced, papers concerning which will be laid before the Legislative Council, and the increased sum on the Railway necessitated by the expected opening of new branches to Haputale and to Ambalangoda.

Consequent upon the abolition of the Grain Tax occasion has been taken to remove from the Estimates all the items which were specially connected with the assessment and collection of that tax.

A new President of Village Tribunals for the divisions of Tumpane and Harispattu has been appointed. The duty of President was previously discharged by the Police Magistrate of Galagedara, Mr. Parawagama, whose death has been a great loss to the Public Service.

In the Northern Province, up to the present time, the headmen have received but slender remuneration.

The superior headmen have been paid very small salaries, which have been supplemented by a commission on various sources of revenue, notably the grain tax, while the second class of headmen have been remunerated chiefly by schedule fees, and have received no salaries at all. As the abolition of the grain tax and of the schedule fees will deprive these classes of headmen of a large share of their emoluments, while their services will still be required, it has been thought just to provide in the Estimates a modest increase to the salaries of the superior headmen, so as to give each R500 a year.

A Visiting Surgeon has been provided for the supervision of the Friend-in-Need Society's Hospital at Jaffna.

The recent failure of the New Oriental Bank Corporation has necessitated the keeping of the Government cash balance at Jaffna and Badulla, in the Kacheries, and provision is made for cashiers, &c.

To assist colonisation at Kalawewa a small vote has been inserted.

Under the Survey Department R9,855 is required for the temporary employment of a class of supernumerary surveyors.

Provision has been made under the Customs for attending to new coast lights at Mullaitivu, Kankasanturai, and the island of Mandativu at the approach to Jaffna.

In the Port and Marine Department will be found provision for the working of the large new dredger Triton recently obtained for enlarging the Colombo Harbour.

R14,352 have been inserted for the cost of running special trains to convey immigrant coolies away from the wharf on their arrival to the Kelaniya station on their way up-country.

Under the Botanic Gardens a contribution has been included towards the publication of a handbook of the Flora of Ceylon from the pen of the learned Director.

Under Judicial an increase of salary has been provided for the interpreters of the Supreme Court, and the pay of the Secretary of the District Court, Colombo, has been raised to R3,000 a year in accordance with recommendations made by a sub-Committee of the Legislative Council. The post of Fiscal of the Central Province has been reduced to the Fourth Class of the Civil Service, and the District Judgeship of Negombo and the Police Magistracy of Colombo have been raised to the Second Class. Provision has been made for continuing the Itinerating Magistracy in the Western Province experimentally.

It is a source of much gratification to the Governor to be able to point to the large diminution in the votes for Prisons.

Under the Medical Department will be found provision for new dispensaries at Rangalla, Passara, Gammaduwa, Watagoda, Aranayaka, and Udugama.



More liberal provision has been made for nursing in the hospitals, and the Hospitals Branch of the Immigrant Service has been transferred from the schedule of the Government Agents to that of the Principal Civil Medical Officer, and the items for various services performed by this Department show a large increase.

Under Education a provision has been made for the salary of a Veterinary Surgeon, who has arrived and has commenced his labours, for the increased importance of the appointment of Principal of the Royal College, for a personal allowance to one of the Inspectors of School, and for periodic increments due to teachers under the Code; and a large increase has been provided for grants in aid of education, and provision has been made for a very promising scheme to be worked by the Agricultural School for starting and maintaining a Government dairy, whereby it is hoped to provide a constant supply of pure milk to our hospitals and public institutions in Colombo.

The provision for Military Expenditure has been enhanced by loss in exchange and by the increased contribution fixed by the home authorities. There is also a large increase on the items for the Volunteer Force, including an augmentation of the pay of the Adjutant.

Under Miscellaneous an increase has been made to the vote for archaeological purposes. Provision has also been made for a new supply of currency notes to replace those soiled by use, and for new adhesive stamps.

Additional refunds are rendered necessary by the contemplated legislation for giving Municipalities a small revenue from arrack taverns. Small items have been introduced for the expense of representing Ceylon at the Imperial Institute, and larger ones towards defraying the cost of representing the Colony at the Chicago Exhibition, and towards providing a second pipe from Labugama reservoir to Colombo.

The Postmaster-General has successfully carried out the very difficult and responsible task of taking over the local telegraph lines from the Government of India and managing them in conjunction with the local Post Offices. This step was taken at a time when a very heavy subsidy was demanded from Ceylon on account of an alleged loss by India in working the Island lines, and it has resulted in considerable economy to the Colony. Mr. Skinner's devotion to the work of organising the Department under him has precluded his seeking other promotion, and the Governor recommends to the Council the grant of a personal allowance of R3,600 a year to him in recognition of his services.

The Second and Third Assistants in the Post Office have for several years past been paid partly from a subsidy contributed by the Australian Colonies for handling mails at Colombo. As that subsidy has ceased, and the duties of Assistants have not diminished, it is necessary to provide in the Estimates a sum equal to that hitherto paid these officers.

For a Resident Postmaster at the head office, Colombo, a sum of R2,500 has been inserted on the Estimates.

To give proper facilities for postal communication by the new train service, provision has been made for augmenting the staff of persons employed. Arrangements have also been made for opening new offices next year.

In the Railway Department considerable additions to the staff have been provided in anticipation of the increased traffic which the opening of the Haputale branch will throw upon the Main line. In consideration of this increase of duty about to devolve upon them, and especially of their meritorious service, it is proposed to augment the salaries of the Locomotive Engineer and of his Assistant, and of the Accountant of the Railway.

The new works required for the Railway have all been provided for in the Surplus Funds Ordinance.

In the Public Works Department arrangements have been made for employing four new District Engineers at R3,000 each.

The works proposed to be undertaken next year will be found fully set out in the Schedules to the three Bills already mentioned, and it is unnecessary to recapitulate them in this Message: it is sufficient to add that for Ordinary Works the appropriation proposed for 1893 is R1,522,285, against R1,434,185 appropriated in the current year, while for Public Works Extraordinary provision is made in these Estimates for 1893 for R1,195,020, as against R1,786,387 for 1892.

The diminution under the head of Works Extraordinary is a warning that the means of the Colony for carrying on large extensions of Public Works to be defrayed from General Revenue do not for the present, until the recent remission of taxation is recouped from other sources, permit of such a considerable expenditure as was contemplated at this time last year.

By His Excellency's command,

J. A. SWETTENHAM, Acting Colonial Secretary.  
September 26, 1892.

#### THE NEW MUNICIPAL ORDINANCE.

The Hon. P. RAMANATHAN:—I have the honour, sir, to present a memorial from some of the elected members of the Municipal Council of Colombo. Your Excellency will remember there are nine elected members. The present memorial is signed by six of them; two others are my hon. friend who represents the Sinhalese and my hon. friend who represents the European interest, and the other member who has not signed has not yet been elected. They pray for a short adjournment of the debate on the second reading until they have considered the changes contemplated by the Bill in their own Council at the meeting to take place on the 14th of next month, when it is proposed that the memorialists will bring forward and discuss the matter. I move that it be read.

The Hon. W. W. MITCHELL seconded, and the memorial was read, as follows:—

To His Excellency the President and the Members of the Legislative Council, Colombo, Ceylon.

The Memorial of the undersigned elected Members of the Municipal Council of Colombo

Sheweth:—Your memorialists have read the discussion, which took place at the meeting of the Legislative Council held on the 21st instant on the subject of the amendment of the Municipal Councils' Ordinance No. 7 of 1887. That there is a serious misunderstanding as to the intention of the Municipal Council of Colombo regarding the diversion of the balances, if any, that may remain after expenditure, under the heads of Police, Water and Lighting. That your memorialists have noted the statement of the Hon'ble the Acting Colonial Secretary that the consolidated rate mentioned in section of the Ordinance No. 7 of 1886 cannot be legally divided so as to enable the Legislative Council to deal with the Police Tax only. That the two matters suggested in the two preceding paragraphs are of such importance that your memorialists deem it desirable in the interests of the Ratepayers of the City of Colombo that they should be fully considered in the Municipal Council of Colombo in order to give the Legislative Council an opportunity of doing for the Municipal Council exactly what the Municipal Council desire—considering that the Bill in question is stated to have been submitted to the Legislative Council by the Government at the instance of the Municipal Council of Colombo. Wherefore your memorialists pray that the second reading of the Bill in question may be adjourned till a week after the next meeting of the Municipal Council, which is appointed to take place on the 14th of next month, when your memorialists will bring forward there for discussion the aforesaid matters. For which favour your memorialists as in duty bound shall ever pray.

A. R. M. Haniffa, Chas Perera, Hector Van Cuylenburg, P. Coomara Swamy, Chas P. Dias, Richard H. Morgan.

Colombo, September 27, 1892.



## A RAILWAY STATION WANTED.

The Hon. P. RAMANATHAN :—I have to present, sir, another petition from certain of the inhabitants of Dodanduwa and the adjacent villages in the Wellaboda Pattu of Galle district regarding the proposed site and the railway station at Dodanduwa. It is a short memorial, sir, and I move that it be read.

The Hon. W. W. MITCHELL seconded, and the Clerk read the memorial, as follows :—

To the Hon. Members of the Legislative Council of the Island of Ceylon,  
&c., &c., &c., Colombo.

The humble petition of the undersigned inhabitants of Dodanduwa and the adjacent villages in the Wellaboda Pattu of Galle district

Respectfully Sheweth,—

That the petitioners beg leave to submit the following to your Honors' gracious consideration :—

That the petitioners and others in September last presented several petitions to His Excellency, Mr. Waring, General Manager of the Railway, and to Mr. Templer, the late Government Agent, praying to establish a Railway Station at Dodanduwa centre or at the junction of the main road to Baddegama.

That in reply the Governor promised that a Railway Station will be established at Dodanduwa near the junction, and a similar reply by the Governor was sent to Rev. Balding, the C. M. S. Missionary, Baddegama. Mr. Templer and Mr. Waring also held out the same promise in these words "That a station both for goods and passengers is to be provided for Dodanduwa, but the configuration of the ground renders it necessary to place it on a site about a quarter of a mile to the south of that which you propose."

That the late Sir Arthur Gordon also promised to put up a station at the junction opposite to the temple "Kumara Maha Vihare," and accordingly the Railway authorities prepared and marked a site opposite the 64th milestone at the centre of Dodanduwa.

That Mr. Elliott, the Government Agent, erased and cancelled the first site, and marked a place at Ratgama North.

That the petitioners gave several petitions to the Government Agent and then to the Governor and a deputation consisting of Rev. Balding, O. M. S. Missionary at Baddegama, Messrs. Bowman, Winter, Jayasinghe, Mudaliyar, A. T. Weerasooriya, T. Weerasooriya, R. R. Weerasooriya, W. E. Weerasooriya, proctors and planters, David Weerasooriya, C. Gunasekara and others, to the Government Agent, but the Government Agent did not agree to their application.

That a printed memorial in the form of an appeal against the Government Agent was presented to His Excellency the Governor, but unfortunately no favorable reply received.

That as a *dernier ressort* the petitioners submit this memorial to your Hon. Council for redress.

That Dodanduwa is an important place, fully populated and inhabited by respectable traders, it has a Custom House, Post Office, Government Dispensary, Salvation Barrack, C. M. S. Schools, Church, &c., and two large Buddhist Temples, Kumara Maha Viharaya and Saiyla Bimbaramaya, and that plumbago, sugar, paddy, arecanuts, &c., are sent from Baddegama, Ganagama, Hiniduma, Mapalagama, Udugama and Nagoda, etc.

That the petitioners annex a map of the place they refer to in this petition, which the petitioners pray may be referred to by your Hon. Council making the roads and buildings.

That the junction is formed of several cart roads leading from the main road, metalled road to Baddegama, cart road to Katakolika, cart road to Kumara Maha Vihare and another cart road to Walamulla and Dodandugoda about 50 fathoms from the junction.

Your Hon. Council will agree that such a place as where the petitioners propose is a fit place for a Railway Station.

That the petitioners and others presented a petition to your Hon'ble Council which was read and no

action taken upon it, and the petitioners now present another memorial annexing a sketch as your Hon'ble Council might see the disbursement of revenue properly and judicially made to the benefit of the Government and the public.

Wherefore the petitioners humbly submit that a Railway Station may be established at the centre of Dodanduwa as promised by the Governor, Mr. Waring, and Mr. Templer, or that the site at the northern end of Ratgama may be cancelled for a time until after the railway is completed to Galle, and until the railway authorities finally settle which is the best and suitable spot for a station at the 64th mile stone or at the northern end of Ratgama, otherwise they will lose hope even for the future, the intermediate distance being little more than a mile.

That if the Council does not find the facts as laid a commission may be issued to find out the best and most suitable place from the spots already marked, as such a step is necessary when the officials themselves disagree as aforesaid, and an enquiry made into the grievances complained of and railway station may be provided for them at or near the 64th mile stone at Dodanduwa.

For which the petitioners, as in duty bound, shall ever pray.

Galle, 21st September, 1892.

## BUDDHIST PROCESSIONS.

The Hon. T. B. PANABOKKE :—Sir, I rise also to present a petition from certain inhabitants at Galle, numerous and respectfully signed, on the question of Buddhist processions. The proverbial uncertainty of the law is, I think, very aptly illustrated in the law regarding processions as it obtains at present. There is a circular from the Government prohibiting the issue of permits either by Government Agents, Magistrates, or Superintendents of Police, whereby we are led to understand we can carry out our processions without a permit. As Your Excellency and the Council are aware, no procession can be conceived in the Oriental mind without the accompaniment of music, that is tomtoms. With that circular before us when we wish to carry on our procession with tomtoms we are taken up by the police and found guilty and heavily fined. I shall not detain the Council with any more remarks on the subject, but I trust Your Excellency will be able to make an inquiry into the matter, and lay down an authoritative ruling in regard to what is the state of the law in regard to processions. I move that the petition be read.

The Hon. Dr. ANTHONISZ seconded, and the Clerk read the petition, as follows :—

To His Excellency Sir Arthur Elibank Havelock K.C.M.G., and the Hon'ble Members of the Legislative Council of Ceylon.

The Humble Memorial of the undersigned Buddhist Residents within the four Gravets of Galle

Sheweth :—That the Memorialists, being aggrieved by the refusal of the authorities to grant them permission to proceed in procession with tom-toms &c. to their various temples situated within the Municipal limits of Galle beg most humbly to appeal to Your Excellency and the Council for redress and to submit :—

1. That the processions aforesaid form a part of the religious ceremonies which they have to perform during their festive days, such as the Full moon and New moon days, their Sinhalese New Year day, and the Wesak day, as also on such special days appointed by their priests at different temples situated as aforesaid.

2. That hitherto the privilege of proceeding in procession was conceded to them from time to time according to their application, and they did not on any occasion abuse the privilege so conceded to them.

3. That they have opened a place of worship in the Fort of Galle which has been named Sudar Malla in great Modera Bhay street in House No. 4,



4. That the processions are generally required to proceed from such place of worship in the Fort to the Pansalas and Temples outside, and when they contemplated to more such processions they invariably obtained the sanction and consent of the principal residents of the Fort, who expressed their assent, and then made application to the authorities to do so, which were generally granted to them.

5. That, however since six months now past, no permit of any description could be obtained, which circumstance has been detrimental to the interests of their religious duties, and for which they feel greatly aggrieved.

6. That by the 5th Clause of the Proclamation dated the 2nd March 1815, at a Convention held on that date, it was conceded that the religion of Buddha professed by the Chiefs and Inhabitants was declared inviolable and its rites, ministers and places of worship were to be maintained and protected.

7. That in accordance with such a provision the memorialists submit that the Rites of their religion are entitled to protection and the permit for such processions forming a portion of such Rites cannot in justice be withheld. They therefore beg for a reconsideration of their case.

8. That in moving such processions at any time heretofore, the memorialists have not violated any of the provisions mentioned in the permit granted to them, nor have they in any way acted in a manner to injure the feelings of any religious body in any place through which the procession had passed.

9. That although the authorities have refused to grant them permit they have not assigned any reason for such refusal, consequently the memorialists are unable to conceive what wrong they have committed to justify such refusal.

10. That, for the reasons above stated, the memorialists pray that Your Excellency and the Council may be pleased to take a favourable view on the subject matter of this memorial and concede to them such redress as the circumstances of their case may justify by directing the authorities at Galle to grant them a permit to move a procession whenever required.

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

#### NOTICES.

The Hon. T. B. PANABOKKE:—I have to give notice of a question. I shall ask at the next meeting of Council "Whether any enquiry has been made regarding the petition against the killing of cows by one Mudiyanse and others, presented to the Council during the last session, and, if so, what are the results?"

The Hon. the GOVERNMENT AGENT W. P.:—I beg to give notice of motion at a meeting of the Council to be held on a day more than one month hence, I shall move that from and after the 1st January 1893 a toll be established on the road from Alutgama to Pelawatta, in the District of Kalutara, at the point where that road is joined by the road from Horawela to Matugama, payment of that toll to clear the toll at the Munawalewatta ferry and *vice versa*, and that from and after the 1st January 1893 a toll be established on the road from Negombo to Dunagaha, at a place between the sixth and seventh mileposts on that road."

#### ADDITIONAL REGISTRARS.

The Hon. the ATTORNEY-GENERAL:—I move the first reading of a Bill to authorise the appointment of additional Provincial and District Registrars. For the purposes of registration the Government Agent is the registrar for the whole province, and the Assistant Government Agent is the registrar for each revenue district within the province. The Ordinances specified in the first clause of the Bill vested these registrars with certain powers, and imposed on them certain duties, which they could not delegate to others, and which they

found themselves unable to exercise and perform when they were absent from their respective Kachcheries, travelling about on public duty. It is to avoid the inconvenience and delay caused by such absence that the Bill is introduced. Hitherto the duties of these registrars have sometimes been performed by unauthorised agents, and it is to cure the resulting defects in registration that the hon. member on my left will this day move the second reading of another Bill.

The Hon. the COLONIAL SECRETARY seconded, and the Bill was read a first time.

#### LOAN BOARD BALANCES.

The Hon. the Acting COLONIAL SECRETARY:—Sir, I rise to move the first reading of "An Ordinance to provide for the further appropriation of certain unclaimed balances from the Loan Board." Briefly the foundation of this Bill is Ordinance 4 of 1865, section 18. sub-section 2 of which empowers the appropriation for such purposes cognate to or connected with the Administration of Justice as the Governor and Executive Council should determine from time to time, of balances of suitors' money in the Courts of the Island, administered by the Loan Board, which had remained unclaimed for more than ten years and upwards; but for not less than a third of a century. The sum which is at the disposal of Government is about R80,000, and the schedule of the Ordinance shows, sir, the way in which it is proposed to appropriate the fund. The schedule is a short one, and with the permission of the Council I will read it. He then read the schedule, as follows:—

	R.
Witness sheds, Rakwana Courts	... 950
Building Prison cells at Welikada	... 60,000
Building new Courthouse at Marawila with quarters for magistrate	... 6,000
Alterations and additions to Hulftsdorp Prison	... 7,458
Witness sheds, Hatten Courts	... 830
Record shelves for the new Courthouse, Badulla	... 1,200
Additions and improvements to the Court- house at Ratnapura	... 5,500
	81,938

The Hon. the ATTORNEY-GENERAL seconded, and the first reading was agreed to.

#### THE NEW SAVINGS BANK ORDINANCE.

The Hon. the TREASURER:—I move, sir, the first reading of a Bill called "An Ordinance to amend the Ceylon Savings Bank Ordinance 1859." It was said by Your Excellency in the address given at the opening of this session of Council that the position of the Ceylon Savings Bank had long been ill-defined and anomalous, and a very short consideration of the history of this institution will show what ample grounds there were for that statement. It was founded in 1832 or perhaps 1833, and soon after its foundation the Government of the day passed for the protection of the "Ceylon Savings Bank" regulation No. 4 of 1833, under the provisions of which the affairs of Bank were administered for a period of about 14 years until its amendment by Ordinance No. 1 of 1847 which remained in force until it was in its turn amended by the Ordinance No. 12 of 1859, which at present governs the managing body. The sixth section of the Ordinance of 1847 contained a provision relieving the Government in all cases from responsibility for loss of the bank's money deposited at the General Treasury whether by fire, theft, forgery, or otherwise; and the 31st section of the present Ordinance No. 12 of 1859 appears



to maintain unchanged that position of affairs, so far as regards the responsibility of the Government, although under the present statute the Governor is president, the Colonial Secretary vice-president, the Colonial Treasurer treasurer, and the trustees of the Bank are appointed by the Governor. It was felt, sir, that this state of things was one that should not be allowed to continue. Deposits in the Bank had been accumulated by persons placing them there in the full belief that the Bank was a Government institution and that the Government would be liable to make up all losses of whatever kind that might arise. That confidence, I think I may say, whatever may be the legal aspect of the case, would not have been misplaced had losses occurred. As was observed by Your Excellency in the speech I have just now quoted, the Government fully recognised its moral responsibility for the protection of those who had placed their savings as they believed in its coffers; and, whatever might have happened to the Bank, it is certain the depositors would have been safe. It was felt, however, that such a position was untenable, and steps were accordingly taken to give an opportunity to those interested to elect whether the Bank should be cut adrift entirely from Government, and be carried on by a Board of Trustees or Directors appointed by the depositors themselves, or whether it should indeed become a Government institution. Advertisements were put in the newspapers; ample time was given to the general public for discussion and consideration, and the subject was discussed in the local press. Eventually a very large meeting of depositors was held in this Chamber, at which a vote was passed, of which the members of this Council are fully aware. The feeling of the depositors was entirely in favour of a Government institution, and to give effect to that resolution, the Ordinance has been framed which I now have the honour to bring forward. Its provisions are merely to give effect to the decision which was come to that the Bank should be hereafter a Government institution. The managing body in the past have been the Treasurer, the Colonial Secretary, and various other officers and trustees appointed by the Governor and a board of management appointed by the trustees, but in future for section 5 of the principal Ordinances the following will be substituted:—

"The bank shall be under the management of a board of three directors, who shall not directly or indirectly receive any salary, allowance, profit, or benefit whatsoever therefrom. Provided, however, that nothing in this section shall prevent any member of the board (or any officer of the bank) from becoming depositors therein on the same terms as others."

"The Colonial Secretary shall be *ex officio* the President of the board of directors. The other members of the board shall be nominated from time to time by the Governor."

There are slight alterations in the amount of money which can be deposited at one time and in the course of the year by the depositors. There is an important alteration in the case of deposits made by minors. It was found that under the old law instances arose where the intention of those who had deposited money for a minor, for such purposes as, say, his education, could not be carried out when the time came to fulfil the object of the depositor, owing to certain legal doubts as to the state of the law at time. It is therefore now provided for, and the provision is made that if a deposit be made by a person on the part of a minor "the receipt of any minor or guardian for money paid to him under this section shall be a sufficient discharge therefor."

By that provision the old disability will be entirely removed. The amounts of investments prescribed by old law are very slightly changed. The officials of the Bank now become Government Officers, and the law is made so as to provide for their status as such. There is a short proviso at the end of the Ordinance. Those, sir, are the principal alterations made in the Bill. This Society was founded with a very small beginning nearly 60 years ago and was described in its original charter—the regulation No. 4 already referred to—as "a certain Provident institution called 'Ceylon Savings Bank,' lately established for the safe custody and increase of small savings belonging to the industrial classes of His Majesty's subjects in this Island." From that small beginning it has grown until the deposits amount to no less than R2,554,000 odd at the date of the last report of the Bank, and it is hoped that now that the Bank is to be put on a sure, certain, and recognized foundation, and become a Government affair, it will continue that course of useful beneficence which it has hitherto pursued. (Applause.) I move the first reading of the Bill.

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

#### THE MUNICIPAL ORDINANCE.

The first order of the day was the adjourned debate on the "Ordinance to remove doubts as to the purposes towards which the rates on real property may be applied by the Municipal Council of Colombo."

The Hon. J. J. GRINLINTON, being in possession of the house in consequence of his having moved the adjournment of the debate at the last meeting, said:—I beg to move the adjournment of the debate on this Ordinance until a date subsequent to the 14th October next, in view of the petition which has been presented today by my hon. friend the Tamil member from certain elected members of the Municipal Council, the request in which I think only reasonable.

The Hon. A. DE A. SENEVIRATNE.—I second it.

The Hon. the COLONIAL SECRETARY.—As it is desirable this Bill should receive the fullest consideration, there is no objection to postponement, but it is to be regretted, considering the Bill has been printed for a considerable period, that the objections to it were not formulated earlier.

The adjournment was agreed to.

#### POSTAL AND TELEGRAPHIC COMMUNICATIONS.

The Hon. the COLONIAL SECRETARY:—I move the second reading of "an Ordinance to Amend and Consolidate the Law relating to the Postal and Telegraphic Communications."

The Hon. the ATTORNEY-GENERAL seconded, and the second reading was agreed to, whereupon, on the motion of the Hon. the COLONIAL SECRETARY, the Council went into Committee, and the Ordinance was referred to a sub-Committee consisting of the Hon. Principal Collector of Customs, the Auditor-General, Mr. Kelly, Mr. Grinlinton, Mr. Mitchell, and the mover.

#### TAVERN LICENSES.

The Hon. the COLONIAL SECRETARY:—Sir, I move the second reading of "an Ordinance for imposing a Duty on Tavern Licenses within Municipalities."

The Hon. the ATTORNEY-GENERAL seconded, and the second reading being agreed to, the Council went into committee, on the motion of the Colonial Secretary, when the Bill passed the second reading.

The Hon. the COLONIAL SECRETARY:—I beg to report the Bill as amended, and to move that it be referred to the Law Officers of the Crown for report.



The Hon. P. RAMANATHAN :—The words "such license may be subject to a stamp duty," in the first section I should move be altered to "shall be subject to a stamp duty."

The Hon. the ATTORNEY-GENERAL :—Under sub-section 2 the Governor may, from time to time, fix the amount of such duty, and if the Governor does not choose to fix any stamp duty under sub-section 2 it is idle to say there shall be a stamp duty. Suppose the Governor does not choose to fix a stamp duty what is the duty to be levied under sub-section 1?

The Hon. P. RAMANATHAN :—Does the second clause throw upon the tavern-keeper the necessity of obtaining a license?

The Hon. the ATTORNEY-GENERAL :—Yes. It does; but it gives the Governor the power of imposing a duty.

The Hon. J. J. GRINLINTON :—I consider the stamp duty ought to be named, and more particularly in view of the large amount required for the license the stamp duty should be as small as possible.

The Hon. the ATTORNEY-GENERAL :—The maximum is defined in the ordinance—"Not to exceed in any case R500."

After some conversation, in which the Governor seemed to take the same view as the Hon. Mr. Ramanathan,

The Hon. the ATTORNEY-GENERAL rose, and said :—Perhaps it would be as well to have "shall" in clause 1, as some doubt seems to exist in the minds of those interested in the Colombo Municipality, if the Council will permit us to go back to that clause.

This being agreed to,

The Hon. the ATTORNEY-GENERAL further moved the substitution of "shall" for "may" in sub-section 2, which was also agreed to.

The Hon. the COLONIAL SECRETARY :—I move that the Council do now resume, and that the Bill be referred to the Law Officers of the Crown.

Carried.

#### THE MERCHANDISE MARKS ORDINANCE.

The Hon. the ATTORNEY-GENERAL :—I move the second reading of a Bill intituled "An Ordinance to Amend the Merchandise Marks Ordinance 1888."

The Hon. the COLONIAL SECRETARY :—I second that.

The Hon. W. W. MITCHELL :—Before this Ordinance has taken up the attention of the Committee I should suggest that it be referred to a Sub-Committee, as there are technical details which it would be difficult to go into now, but which I will give an instance of. In regard to the word "stamp" in section 1, I find that under clause 6, of the principal Ordinance—13 of 1888—in the application of a trade mark it is sufficient if it be applied to the covering, label, reel, or other thing in or with which the goods are sold or exposed, and it might be found sufficient if the length upon the goods were affixed to the covering instead of on the cloth itself. Then, again, as regards some of the descriptions of goods that can hardly be said to be sold by the length or by the piece—take towels, which are sold by the dozen, they are made up in dozens, and it is not very clear whether each individual towel would require to have the length in inches or the width stamped upon it or whether the dozen would require to have stamped upon it the entire length. I think it is a detail which can be much better dealt with in a Sub-Committee.

The Hon. J. J. GRINLINTON :—I beg to support my hon. friend the representative of the mercantile community, for the reasons which he has stated.

The Hon. the ATTORNEY-GENERAL :—There is no objection to submitting the Bill to a Sub-Committee.

Do I understand my hon. friend to say that he opposes the second reading?

The Hon. W. W. MITCHELL :—Oh no!

The Hon. the ATTORNEY-GENERAL :—I move that the Council do go into Committee on the Bill.

This was agreed to, and the Council went into Committee.

The Hon. the ATTORNEY-GENERAL :—I move that the Bill be referred to a Sub-Committee of the Hons. the Colonial Secretary, the Attorney-General, Mr. Mitchell, and Mr. Grinlinton.

This was agreed to, and the Council resumed.

#### VITAL STATISTICS.

The Hon. the GOVERNMENT AGENT, W. P. :—I have to move the second reading of "An Ordinance relating to the Registration of Marriages, Births, and Deaths."

The Hon. the ATTORNEY-GENERAL seconded, and the second reading was agreed to, whereupon the Council went into Committee, on the motion of the Government Agent, W. P., and the Bill was passed and reported to the Council, when the GOVERNMENT AGENT, W. P. moved its reference to the Law Officers of the Crown for report, which also was agreed to.

#### A NEW SUMMARY PROCEDURE ORDINANCE.

The Hon. the ATTORNEY-GENERAL :—Sir, I beg to move the second reading of an Ordinance entitled "An Ordinance to empower Police Magistrates to try certain offences in a summary way."

The Hon. the COLONIAL SECRETARY seconded.

The Hon. A. DE A. SENEVIRATNE :—I am sorry, sir, that I am not able to agree to this Bill. I do not see the necessity for another Ordinance for trial of offences in a summary way. We have one already;—an Ordinance which was amended not very long ago—in 1890—and as long as that summary procedure exists, I think it would be, in the first place, improper to designate this Ordinance an "Ordinance to empower Police Magistrates to try certain offences in a summary way." If we refer to the Ordinance of 1890 we find that the 19th chapter of the Procedure Code is repeated there and the heading of it is "the trial of cases where a Police Magistrate has power to try summarily," so a summary procedure we already have, and unless this is to be called "the very summary procedure," or something more superlative than that, I do not think its designation would be a very correct one. I find that offences punishable with a year's imprisonment or with fine, and offences which are punishable with six months' imprisonment or with fine, may be tried in the summary way provided here, and tried in a very summary way indeed, and in a way, in fact, which the colony has not been accustomed to. It is an entirely new thing in this island to try cases in this manner, without recording evidence. The Police Magistrate may be satisfied in his own mind, but he is not obliged to record evidence or to record the charge and he may give a verdict on evidence which he has not recorded; but the case may come up in appeal, and then after an appeal is filed, he makes up the record, and, what is stranger still, in cases of conviction this record is to be made up only after notice of an appeal, but in all cases of acquittal there is special provision for the record to be made up in a particular way. In cases of conviction where there has been no appeal no record need be made up. The fourth section is the one I refer to :—"In every case tried under this Ordinance in which an accused is acquitted, the Police Magistrate shall, before pronouncing a verdict, record a judgment embodying the substance of the evidence, and also the particulars mentioned in the preceding section. Such judgment shall be the only record in cases coming within this section."



These are in cases where the accused has been acquitted. Now in cases where the accused has been convicted and in which no appeal is filed I do not quite see how the record is to be made up under this procedure. Notice of appeal has to be given within 24 hours. A man is taken up, evidence is heard—or whatever evidence there is before the Magistrate—the evidence of the accused may or may not be heard;—the accused may or may not have had an opportunity of stating his defence before the Magistrate; a verdict is given, and if the verdict is one from which an appeal is permitted within 24 hours of this verdict—whatever distance the accused may be from his own friends or from legal assistance—he has to give notice of his appeal and then the Magistrate after he has received notice of the appeal proceeds to make up his record from his recollection of the evidence that has been placed before him. Those who have been before the Law Courts know that very frequently Police Magistrates record as evidence statements and facts which the Court of Appeal reject entirely and which the Courts of Appeal do not regard as evidence at all. Now, in such cases, supposing the accused were to appeal, how is the Court of Appeal to find out whether the Police Magistrate's mind was not prejudiced by statements which, if placed before them, would have been rejected in their entirety? The only redeeming point, as far as I can make out, in this Bill is the last clause, which also goes to show that the Government have felt that this Bill is a strange one to introduce, and therefore it is the Bill empowers the Governor to entrust the working of it only to certain Police Magistrates:—"The Governor in Executive Council, after consultation with the Judges of the Supreme Court, may, by notification in the *Government Gazette*, confer on any police magistrate power to try in a summary way under the provisions of this Ordinance all or any of the offences mentioned in section 1." It is intended that the measure should be introduced very carefully, and I think that throws suspicion on the Bill, for if the Bill requires such very careful handling that it can only be entrusted to such Police Magistrates who may be appointed by the Governor after consultation with the judges it must be perfectly clear that in the hands of other Magistrates it may work a great deal of mischief. Now a Bill that is apt to work mischief in the hands of an ordinary Magistrate may also work some mischief, I think, in the hands of the most experienced Magistrate, and therefore I do not regard this bill with any favor whatever. I think, sir, that the procedure we have at present is enough, if that procedure is strictly followed, to curtail the work that the Police Magistrates in some stations are said to be burdened with. In Ordinance 1 of 1888 there is a clause to this effect:—"For the purpose of enabling an accused person to explain any circumstances appearing in the evidence against him, the Court may, at any stage of any inquiry or trial, without previously warning the accused, put such questions to him as the Court considers necessary, and shall for the purpose aforesaid, question him generally on the case after the witnesses for the prosecution have been examined and before he is called on for his defence. No oath or affirmation shall be administered to the accused. The accused shall not render himself liable to punishment by refusing to answer such questions or by giving false answers to them." In certain cases it is very easy after a few questions to the accused to get at the truth within a very few minutes. In the course of the inquiry or the trial the Magistrate may put

questions to the accused. The accused is not obliged to answer them, but, if he has got any good defence, he will naturally answer them, and the law requires at present that the evidence should be recorded, and if the statement the accused makes confirms what the witnesses have said, then naturally the witnesses would be believed and their statements would be accepted and the Magistrate would find the accused guilty or not guilty as the case may be. Supposing the accused in the statement he makes shows he has a good defence, the witnesses for the defence would be examined and the case gone thoroughly into. So a great deal of unnecessary work may be avoided by putting a few questions to the accused in the course of the trial. As long as that clause exists and the Procedure Code as amended in 1890 remains unrepealed, it is unnecessary to make the procedure more summary than it really is. It would be an entirely new thing in this country. It is said it has been tried in India, but even if it has been tried in India, are the circumstances the same? Have we not already suffered by taking piece-meal from certain Indian acts laws utterly unadapted to this country? Did not the Judges acknowledge that it would have been very much better to have amended and consolidated the law as it existed in this country instead of taking here and there the law which prevails in India? In the second clause the second paragraph is:—"No sentence of imprisonment exceeding one month, or fine exceeding twenty-five rupees, shall be passed in the case of any conviction under this Ordinance," so that as a matter of fact in all cases under this Ordinance there will be no appeal on questions of fact—not only will there be no record, but on questions of fact there will be no appeal from the finding of a Magistrate, for the Procedure Code provides that there shall be no appeal if the sentence is Rs25 or under, from a question of fact, so that from the finding of a Police Magistrate under this Bill appeal will be restricted to pure questions of law. The record will be made up after the appeal, and it may be said perhaps that that is the reason that there is no necessity to record the evidence, because the evidence will not be considered in the Appeal Court, but I am sure the Attorney-General will inform the Council—for he cannot have forgotten the fact—that where the law does not give the right to appeal the case may be brought before the Supreme Court in revision. But then, where there has been no record, what facts are there for a motion for revision? So that all the rights of a person are infringed by this Ordinance. There is another point I wish to bring before the Council. It is this: it seems to be assumed that a person is guilty because he is charged, thus reversing the theory which obtains in other British possessions. There, every man is supposed to be innocent till he is found guilty. Here it is just the other way. The making of the record is not provided for in cases of conviction; it is only in cases of acquittal that special provision is made, lest the Magistrate should by some mistake acquit persons, whereas if he by some mistake convicts persons there is very great difficulty indeed in getting at the root of that conviction. I do not say I should not like to see the Procedure Code improved, but not quite in the direction it is proposed to alter the Procedure here. I should like to see the appeal extended to what it used to be before; instead of restricting appeal let there be an appeal in every case; I should also like to see a record made in every case. Trifling cases can be dealt with as they have been. Why, in the Municipal Court after the present Acting Magistrate took charge, how many hundreds of



cases were disposed of in a day? It is true there was a complaint by the permanent Municipal Magistrate of his inability to take up all the charges that were brought there. We find a Police Magistrate with ordinary commonsense disposes of hundreds of cases a day and afterwards attends the Police Court of Colombo and disposes of more cases there, so that if a man works in the right way, there will be no difficulty whatever with the present procedure. Therefore I think this Bill is utterly unnecessary.

The Hon. J. J. GRINLINTON:—I oppose the Bill on two grounds, namely, the absence of a proper record of the evidence, and secondly, I think the time allowed for appeal is quite insufficient.

The Hon. T. B. PANABOKKE:—I feel bound to say a few words. I think the Bill as it stands cannot properly work beneficially to the people. It seems to me, sir, that we are now reverting to the old order of things in vogue perhaps from the time of King Wijaya up to that of Sri Wikrama Rajasinha. If no record is to be kept of criminal proceedings, as is now proposed, I think we shall be returning to the old Kandyan mode of administering criminal justice. I do not mean to condemn that procedure at all, but at the same time, since the acquisition by the British of this island, the old law has been altered and we have been accustomed to be governed under a different state of things, and I think it is a fortunate circumstance for us that we are placed in the present position. Therefore, I think the proposed law is not likely to work to our benefit. There are many Ordinances in which summary procedure is adopted; the Irrigation Ordinance for instance, the Gansabhawa Ordinance, and, as was ably pointed out by my hon. friend who represents the Maritime Sinhalese, the Criminal Procedure Code. I do not mean to say that these provisions are not working beneficially; but all and every one of them, I think, require the safeguard of recording the evidence and thereby give an opportunity for an Appellate Court to decide whether the decision arrived at by the lower Court is correct or not, both on law as well as on fact. My hon. friend, the Sinhalese member, I think, has ably discussed all the legal aspects of the Ordinance, and therefore I shall not go over the same ground and detain the Council, but I think Your Excellency will permit me to draw the attention of Your Excellency and this Council to one particular Ordinance in which summary procedure has been adopted, and, from what we hear and what we have recently seen, I think there are sufficient reasons for not multiplying such Ordinances. I refer, sir, to the Road Ordinance, the procedure adopted in that Ordinance is a very summary procedure, but Your Excellency and the Council will remember that the powers under that Ordinance are exercised not by junior Magistrates, but by gentlemen very high in the service, and who have had many years of experience. Still, rightly or wrongly, I say there is a great deal of scandal about the working of that Ordinance. With regard to this I think it my duty to state that there has been a great deal of over-legislation in recent times. We cannot compare India with Ceylon in all respects; and what is good law for India cannot always be good law for Ceylon. Therefore I say that we should not blindly copy everything from India. If the necessity for this Ordinance is shown by the fact that the present staff of Magistrates either in principal towns or in other places are unable to cope with the work, I think it is the duty of the Government to increase the number of Magistrates and to give them work that will be possible to be gone through within the time prescribed for it. Instead of that, a reversion, as I

said, to the old order of things is not at all desirable. There is also another feature which strikes me as being strange in this Ordinance, and that is that it is proposed that these exceptional powers should be given to certain Magistrates only. I think it is a wrong and invidious distinction to do so, because we must be prepared to believe that the administration of justice throughout Ceylon is in every respect equal and that there are no exceptions as regards the degrees of justice that are administered. It also strikes me, sir, as being strange, whether these powers are to be delegated by Government to individuals as such or whether they are to be given to certain places; for instance, whether the power is to be given to the Colombo Magistrate or the Kandy Magistrate and such places, or whether the power is only to be delegated to certain chosen individuals. [The Hon. Mr. GRINLINTON pointed out that it was conferred on individuals.] "On any Police Magistrate," well that is, to say the least, rather misleading, I cannot understand whether it means certain individuals or particular places are to have the power. The Governor has to select officers of ability and it is also proposed that the Judges of the Supreme Court should be consulted as regards the selection of these specially qualified officers, but I think that safeguard is also open to question. With all the respect that is due to the honorable the Supreme Court and the Judges thereof, it may happen, sir, that there may be three new Judges almost new to the island on the Bench at the same time and what opportunities have they of determining who is the proper officer that should carry out these large powers? I suppose, also, sir, that the Judges are to determine the qualification of these Magistrates from the work that comes before them as Judges of the Appellate Court, because I fancy that is the only opportunity they have of judging of their work. There may be, as I said, sir, new Judges who may have had no experience of the work performed by the Magistrates, and what would be the value of the advice given by such Judges? These matters, I think require the special attention of Government. I would be the last, sir, to oppose any measure which would tend to simplify the administration of justice in the island. I think there is great scope for the simplification of the administration of justice in these smaller and Minor Courts and I shall be quite prepared to support any such measure; but as this Ordinance stands at present I am afraid I shall be doing an injustice to the people if I support it. I therefore beg to oppose the second reading of the Bill.

The Hon. Dr. P. D. ANTHONISZ:—The hon. members for the Sinhalese have expressed their opinions on the merits of this Ordinance, and for me it is only left to say what effect this Ordinance, if passed as it is, would have on the public. It could not be denied that in courts of Law the evidence given is, as a rule, not satisfactory. False evidence is so common that if the evidence in cases is not recorded, it could not be sifted so as to enable one to arrive at a correct conclusion. The reason urged by the Attorney-General for changing the law, if I understood the hon. member correctly, was to lessen the labour of the magistrates and to afford speedy justice. To change the law to enable the magistrates to have less work is wrong on principle—nor is it well to change it with a view of affording speedy justice when any other measure is ready at hand. Law should be of such a nature as to be easily worked by all those who are fit to be appointed Magistrates; but they should not be of a kind to suit special Magistrates only. The very fact of making a law unsuited to all magistrates, such a



law must be considered defective. Administering a law of this kind would be a danger to the public; if in the absence of the special magistrate an ordinary magistrate was appointed, in that case the law will not be properly administered. These are matters for Your Excellency's consideration. The very fact of selecting magistrates out of these already appointed, or appointing others after careful selection, would make the public think more of one class than of the other and by this means one class is raised in the opinion of the public and the other is lowered or degraded. Such a state of things is not at all desirable in the public service. There is no denying that petty crimes have increased in this city which demand speedy punishment; and as the population increases and the city extends these crimes would multiply, and consequently there should be some measures taken to remedy this evil. To increase the numbers of magistrates would be the most simple thing to do. If one magistrate is insufficient put two, if two would not do three, but do not alter the law for the want of magistrates. After abolishing the paddy tax, at the close of the year, there would be many office assistants whose services at the Kachcheries may not be required, and these would do to serve as junior magistrates. To them recording evidence would be an advantage, and they will by that means soon learn to distinguish true from false witnesses. If their services could not be dispensed with, and they are wanted to reckon up statistics, which, although useful in one way, is not of much benefit to the taxpayer; there are lawyers whose services may be obtained; and they, being qualified in the law, would administer justice very much to the satisfaction of the public. The work of magistrates I see is divided; some try only civil cases, and these magistrates are called Commissioners, and others try criminal cases, and they deal with two class of cases summary and non-summary. Why should not the work of criminal cases of criminal magistrates be divided, and let junior magistrates try the summary cases and let the non-summary cases which require patient hearing and carefully recording evidence be done by a senior magistrate? If this is carried out there is no need of altering the law to lessen the labour of a magistrate. If the number of magistrates is increased in principal towns and this city, there would be no necessity for the itinerating magistrate, whose work could well be carried out by the magistrates in town as our communications are better now than they were before. The town's magistrate would not be under the authority of a Government Agent, which, I think, the itinerant magistrate is, if I am correctly informed. Such a state of things is anything but desirable. I could not say what would be the opinion of the Judges of the Supreme Court regarding this Ordinance. To me it appears that cases sent for their decision would have no evidence recorded, but the opinion of the magistrate on which the decision was to be given. This does not appear satisfactory. I could not agree to this Ordinance passing as it is.

The Hon. M. C. ABDUL RAHIMAN:—I also oppose the motion. The aim of this ordinance is to punish the real offenders. Generally in some cases the guilty persons are escaping the punishment. And in very many instances the magistrates are exercising their judicial decrees against their own consciences. The difficulty would be the unlimited powers given to the magistrates, without recording the proceedings of the cases. Ample provisions should be made to guard the innocent, those who are wrongfully charged and an appeal should be allowed.

The Hon. W. W. MITCHELL:—I also oppose the

second reading. It has been shown by my hon. friend on my left (the Sinhalese member) that the existing enactments are sufficient without it. The absence of a record I should consider the most dangerous in operation, while in Police Court cases I understand that where a R25 fine is imposed or one month's imprisonment there is no appeal except on points of law. But can the Magistrate always be trusted to say or to determine in his own mind what are points of law and what are matters of fact? The Judges of the Supreme Court might take a very different view indeed from the record in front of them. Then again, Magistrates might possibly be inclined to shirk work and might inflict the lighter punishment in order to save themselves the trouble of taking down a record of the proceedings. On these grounds I join my colleagues in opposing the Ordinance.

The Hon. L. H. KELLY:—I shall also oppose this Ordinance on the grounds that I think the present law, if properly administered, is quite sufficient. If it be not sufficient I would then advocate the appointment of Itinerating Magistrates. I think the fashion rather appears to be just now to go in for a cycle of new Ordinances, but I think the fewer new ordinances we have—if we can make the old ordinances apply to the cases—the better. I think this new ordinance would rather tend to the taking of meagre evidence and I think the essence of British fairness is the fullest inquiry. (Applause.) If that be so, sir, I do not see the use of the fullest inquiry unless the proceedings in that inquiry are recorded. I think, sir, the Ordinance would prove a dangerous Ordinance and I must oppose it.

The Hon. the ATTORNEY-GENERAL:—Before I address the Council in reply I should feel obliged if unofficial members will express all they have to say against the bill. I will explain the reason why after I hear the objections.

The Hon. P. RAMANATHAN said he proposed to speak after he had heard the Attorney-General.

The Hon. the ATTORNEY-GENERAL:—I have no wish, sir, to relieve myself of any responsibility in regard to this Ordinance, but hon. members will bear with me when I state that this measure was one which was conceived, considered, and perfected during my absence in England, and I am most anxious to know all the views that can be possibly put forward against this measure before deciding what course I shall advise the Government to adopt. Having heard what the hon. the unofficial members have stated today, I shall have to ask the indulgence of the House to allow the debate on the second reading to be adjourned. (Applause.)

Mr. KELLY inquired to what date, stating that notices never reached him, but he was promised full notice, and Council adjourned at 4.20 p.m.

WEDNESDAY, OCTOBER 5, 1892.

Present:—His Excellency Sir Arthur Elibank Havelock, K.C.M.G., the Governor, who occupied the chair; the Hons. J. A. Swettenham, Acting Colonial Secretary; Sir Samuel Grenier, Attorney General; Allanson Bailey, Acting Auditor-General; G. S. Williams, Acting Treasurer; A. R. Dawson, Government Agent for the Western Province; P. A. Templer, Government Agent for the Central Province; R. Reid, Acting Principal Collector of Customs; P. Ramanathan, C.M.G., Tamil representative; J. J. Grinlinton, General, European representative; W. W. Mitchell, Mercantile representative; Dr. P. D. Anthonisz, C.M.G., Burgher representative; T. B. Panabokke, Kandyan representative; M. C. Abdul Rahiman,



Muhammadan representative; A. de A. Seneviratne, low-country Sinhalese representative; and L. H. Kelly, Planting representative; and also H. L. Crawford, Clerk of the Council.

*Absentees*:—H. E. Major-General Dunham Massy, Commander of the Forces; the Hon. Colonel F. C. H. Clarke, C.M.G., Surveyor-General.

PAPEL LAID ON THE TABLE.

Administration Report on the Municipality of Galle for 1891.

NOTICES OF MOTION.

The Hon. the COLONIAL SECRETARY:—I hereby give notice that I will at a meeting of this Council not less than one month hence move that a single toll be established in respect of the road from Yatiyantota to Karawanella bridge and of the road from Ruwanwella to Karawanella bridge.

The Hon. the COLONIAL SECRETARY:—I hereby give notice that I will at a meeting of this Council not less than one month hence move that a toll be established on the Veyangoda-Attanagala road on the Veyangoda side of the Ruwanwella bridge and within a mile of it.

The Hon. T. B. PANABOKKE gave notice of his intention to move:—That it is desirable that Government should provide the native headmen with translations of such Ordinances or extracts of them as impose upon them duties in their official capacity as headmen.

The Hon. W. W. MITCHELL notified that at the next meeting of Council he should move that the petition presented last week on the subject of the proposed site for a railway station at Dodanduwa be referred for consideration and report to a Committee of this Council to be named at the next sitting of Council.

The Hon. L. H. KELLY:—I beg to give notice that at the next meeting of Council I shall ask under what headings it is proposed to show the saving of the cost of collecting the paddy tax.

CRUELTY TO COWS.

The Hon. T. B. PANABOKKE:—I shall now proceed, sir, to put the question that stands in my name:—"Whether any inquiry has been made regarding the killings of cows, which formed the subject of a petition from one Mudiyanse and others, presented to the Council during the last Session, and, if so, what was the result of such inquiry," and by way of explanation I would add a remark or two. In that petition it was alleged that the killing of cows tended to decrease cattle in the island, and particularly the cattle that were mostly used for grazing purposes; and it was also alleged that cows in a state of pregnancy were killed, whereby a very great cruelty was inflicted on the dumb animals. I wish to know if those complaints have been verified by the inquiries made by Government, and if any steps have been taken to remedy them.

The Hon. the COLONIAL SECRETARY:—Sir, the requests contained in the petition which has been alluded to were duly considered and it was thought inexpedient to legislate afresh in the matter.

THE FLOOD OUTLET QUESTION.

The Hon. A. DE A. SENEVIRATNE:—I beg to move for all papers and letters connected with the flood outlets of dates subsequent to those already published in the sessional papers. The question of flood outlets has occupied attention for a long period, and it is desirable to have all the information before the public. I would include in the papers I refer to, the reports of the

members of the Committee on the Kelaniganga mouth, of which the Government Agent of the Western Province, the Surveyor-General, the Director of Public Works, and Mr. Grinlinton were members.

The Hon. the COLONIAL SECRETARY:—The Government accept the motion, and the papers shall be laid on the table.

LABOUR CENTRES.

The Hon. A. DE A. SENEVIRATNE:—I move for a return showing for each province separately the date when Labour Centres were established, the total number of defaulters who were committed to them, and the dates when they were closed. I think my motion explains itself, and I need not occupy the time of the Council by giving any further explanation.

The Hon. the COLONIAL SECRETARY:—The Government accept the motion, and the returns referred to shall be laid on the table.

PENSIONS FOR THE RAILWAY DEPARTMENT.

The Hon. P. RAMANATHAN:—I rise to move, sir, that in the opinion of this Council it is desirable that the whole Railway Department without distinction should be granted a claim to pension at the full rates awarded to the ordinary Public Service, but with a provision that all persons of whatever grade shall continue as heretofore to be liable to summary dismissal, suspension, or reduction by the local Government for inefficiency or misconduct."

This motion, sir, has been necessitated by the papers which Your Excellency was kind enough to table some time ago by way of a message to the Legislative Council. The question has been under consideration, more or less, during the last 25 years, and it is now ripe for settlement. It is stated by some members of the Executive Council, who have considered the question very carefully that the Railway Department enjoys certain advantages over other departments of the service in regard to pay, including periodical increments and the prospects of promotion, and that, therefore, their pension privileges should not be on a par with those granted to officers in the Provincial, Judicial, or Miscellaneous Departments. The Hon. the Auditor-General, who now holds the office of Acting Colonial Secretary, has drawn up a statement which also appears in the file of papers which Your Excellency tabled, and I must say it is an ingenious document. According to him, taking account of the officers entitled to pension since 1870, it appears that there were 64 Railway officials drawing on an average R882 per man, and that in the Customs Department there were 70 such officers drawing R809 per man. It is therefore concluded that the Railway has the advantage of R73 per man; and then we learn that the increment in pay during 21 years appears as follows:—in the case of the Railway R742 is found to be the average pay in 1870, and it rose in 1891 to R1,566; showing an increase in the interval of 21 years of R824; while in the Customs R686 was found to be the average pay in 1870, and it is found to have risen in 1891 to R1,407; showing an increase of R719. The advantage on this basis of calculation is also said to be in favour of the Railway; but, of course, sir, the calculation as shown by the averages is not so sufficiently pronounced to render striking disparity in the figures,—to say nothing of the duty of making comparisons class for class and on the principle of all other things being equal. For instance, the accountant of the Railway Department contends that a comparison cannot be based on length of service, because



the Railway officials are imported as trained men.—I suppose by Railway officials he means the higher officials of the Administration Department, are imported as trained men; whereas the Civil Service commence their career in the service of the Government. That is an important truth to be remembered when average accounts are had in view. Unless the comparison is made class for class and *ceteris paribus*, the results will be found to be very misleading indeed. The doctrine of averages is good in its way, but in many respects misleading owing to the difficulty found in determining all the particular circumstances of each case. We have a good example in the papers I now hold in my hands. For instance, in the case of a salary of R1,500, it is found in the Railway Department that it takes 18 years to attain to that salary. Now turn to the Miscellaneous Departments, which include the Secretariat, the Treasury, the Audit Office, the Public Works Department, the Master Attendant's, the Collector of Customs, the Medical, the Police and the Colonial Store,—the same sum of R1,500 is found to be gained in 18 years, so that the Railway Department and the Miscellaneous Departments are found to be on a par. But turn to another figure—say a salary of R1,100. In the Railway Department it takes 17 years to reach that figure; while in the Miscellaneous Departments it takes 13 years only. The advantage is with the Miscellaneous Departments. Then in the case of the salary of R800, the Railway Department seems to have the advantage, but the explanation given is that in the case of some of these salaries new men have come into the department, who have thus thrown out of calculation the rules as to averages; so that, sir, I do think, that, however ingenious the statement made by the Auditor-General may be, it is a system of calculation which this Council ought to accept as final. I do not wish to speak of the salaries drawn by drivers and guards of the Railway Department, because, if they are handsomely paid, it must also be admitted that their responsibility and personal risks are specially great. I therefore fail to follow such of the members of the Executive Council as are of opinion that only three-fourths of the usual rate of pension should be allowed to the officers of the Railway; and, considering that the Police, the Scientific Departments and the Forest Department have been given full pension rights, I see no reason why the railway, which is one of the most paying departments in the Service, should not be placed on an even footing with the departments I have mentioned. I feel sure, sir, that the warmest thanks of the Railway Department are due to Your Excellency for grappling with this very difficult question. It was supposed—in fact the Secretary of State himself had thought that a convenient settlement of the question might be made by awarding a full pension to the indoor branch of the Railway Department and a three-quarter pension to the outdoor branch; but Your Excellency pointed out that a distinction of that kind was not desirable in the interests of efficiency, and said that such a distinction would produce much heart-burning and trouble in the Department, and Your Excellency therefore justly thought that the best method of settlement was to introduce a uniform system of pension. I am glad, sir, to find myself able to support your view on a careful consideration of the merits of the question, and I feel sure I am expressing the wishes of the Railway Department when I say that they will be most pleased if Your Excellency, after listening to hon. members on this side of the

House, would recommend the wishes of the unofficial members of the Council on this point, and secure for the Railway Department what they are undoubtedly entitled to at the present day. (Applause.)

The Hon. J. J. GRINLINTON:—I have pleasure, sir, in seconding the motion before the House, and in doing so I would remark that for some years past I have taken a particular interest in this subject, and whenever there has been an opportunity, I have not failed to ventilate my opinions in this Council. I think the time has arrived for doing this, and, indeed, it should have taken place long ago; but as it did not, unfortunately, take place long ago, we have to deal with the question now, and we should deal with it in such an effectual manner as to prevent heart-burnings or any differences between one department and another which should give an advantage to one over another, and I am particularly pleased to see that Your Excellency has taken a somewhat similar view to this, as is evident from the Minute before us. I know it may be said—and said with justice—that the pension list is growing to an enormous extent. It certainly is. In the estimates for 1893 it is R797,185, or R85,140 over the estimates for 1892; but although this is undoubtedly the case, why should one department be left in the cold and only one? I cannot see the justice in leaving that Department out in the cold simply because your pension list is high. If it is necessary to reduce the list it should be dealt with as a whole, and not by leaving one department out of it. I have gone with particular care into the letter written by my hon. friend the Auditor-General, who now holds the office of Acting Colonial Secretary, and, while knowing how carefully he looks into matters of this nature (and in fact into all accounts that are before him), I fail to see that he has proved his case;—certainly not to my satisfaction, inasmuch as the figures adduced in the papers now before us prove to me that the Railway Department is no better paid—certainly the clerical branch—than other departments, and that the rates throughout have not been increased to any considerable extent, even over the Customs. Now the comparison with the Customs Department, in my opinion, should not have been made, inasmuch as the work of the Railway Department—both what is termed the outdoor work and the indoor work (that is the stationmasters and clerks and people of that branch) is different from the work at the Customs. At the Customs the men are always under strict supervision; there is an officer at the head of the department who is always on the spot; and there are subordinate officers always to be referred to; and it is out of the power of persons in very subordinate positions to exercise their judgments to any great extent; they simply obey orders; see things are not stolen and collect the revenue on the articles brought there. Not so the officers of the Railway Department. These men are detached at stations distant from headquarters where they have to act on the impulse of the moment in the event of a railway accident or in other circumstances that may occur; and a man unless he has his brains about him will very soon commit an error. That is not the case with any other department I am aware of except the Railway Department, and I think if some members of that department are more highly paid than others, they richly deserve it for the risks they run. I would just read what may possibly have escaped the notice of some members of this Council—namely what Mr. Farquharson has said in regard to this subject:—“On the Railway the hours of duty of almost all the clerical staff average over twelve per diem: they have to work



on Sundays and holidays, to be out in all weathers to run a certain amount of personal risk in connection with their yard work, and their tenure of life is said to be below the average. This is chiefly due to the constant mental strain thrown upon them. They do not leave office at a fixed hour and go home and throw off all business cares, but they are forced to reside in or close to the station; and even when one or other has finished his twelve hours in office he is liable to be called out for specials, breakdowns, &c., and when at work he knows that the safety and punctuality of the trains depend upon his vigilance. He also has to deal directly with the public and his actions are freely criticised, and the least incivility or inattention is made the subject of complaint." Now, sir, I say without fear of contradiction that there is no other department placed in that position in the colony, and there is this difference between that department and many others particularly with the one it is contrasted with (the Customs)—that stationmasters, clerks and others do not receive one cent for the extra work they do, no matter what hours they may work for. Not so the Customs officers. They are well paid for all work after hours and for work on Sundays and for work on holidays,—not that I mention this with the view of saying that the Customs officers should not be paid for this—they ought to be and I am very glad to see them paid; but this Council should know what differences exist. Now, sir, we come to a very essential part in the motion now before the Council, and that is "that all persons of whatever grade shall continue as heretofore to be liable to summary dismissal, suspension or reduction by the local Government for inefficiency or misconduct." With regard to this proviso I fully concur with it in every word, and I am very glad to see that Lord Knutsford and Your Excellency have emphasised these words, and it is with particular pleasure I mention today that a member of the Railway Department who has seen me on this subject (and I believe he expressed the views of all other members of the department) said he fully agrees and thinks this a right provision. Therefore we are all agreed upon that point. There is simply one blot in that department that I can see (there may be others but only one occurs to me) and that is a blot for which the subordinate officers are in no way responsible—I mean the general answers that are given to persons who prefer claims. They are not answers on points of equity, and I think the sooner that department learns to view things in an equitable manner the better for themselves and the public. Nothing causes more heartburning than when a man sends a letter to that department and gets a silly answer. I know of several such cases, and that is the only blot—and one for which, as I say, the subordinate officers are not responsible. It is the system which is in fault, and the sooner that system is altered the better. I have travelled a good deal within the last few years, and I am, therefore, able to speak from personal observation, and to make a comparison between the manner in which our railway is conducted and railways elsewhere, and I have much pleasure in stating, and I am sure Your Excellency will have pleasure in hearing it from me, that I have seen no railway whether in my own country or abroad—America in particular—better conducted than the Ceylon Railway or where the officers of the Railway Department, both indoor and outdoor, are more civil and obliging and do their duty in a more pleasing manner than the officers of the Ceylon Railway do it (applause), and I think that is greatly in their favour, not that that would

particularly induce me to go out of my way to vote for a pension if I did not think a pension was deserved—but I mention it in connection with this subject and so that it may be seen by this Council that the railway of Ceylon is not behind, in my opinion, any railway I know of in this respect. I will not travel over the same ground my hon. friend has travelled over (and with such ability). I think the case is made out so clearly by Your Excellency and by the papers before us that it requires little advocacy on my part, and I do hope that the decision that will be come to today by this Council may be an unanimous decision, and that it may be in favour of the motion now before the House. (Applause.)

The Hon. W. W. MITCHELL :—I rise simply to record my pleasure in supporting the motion before the House. At first I was inclined to think that, owing to the better pay which was received by the Railway Department, as compared with other branches of the service, a lesser rate of pension might be sufficient; but when we come to consider, in the words of the memorial to Your Excellency, that the railway business has to be done with such unfailing regularity and precision that it puts a great and continuous strain on the officers, and that the nature of the work subjects them to risks not only of health but of personal safety, I consider their case is deserving of the utmost attention at your hands and that they are well entitled to be put on the same footing precisely as other branches of the service. (Applause.)

The Hon. L. H. KELLY :—Sir: I have much pleasure in supporting the motion before the Council. I think, sir, that to allow the staff of the most paying branch of our revenue to remain without a pension would be a blot on the administration of this colony. I am not going to say much on the subject, because the members who have spoken before me have, I think, well explained the case for the Railway officials. I would only draw the attention of the members of this Council to the risk, as well as to the wear and tear of the system, owing to the extreme changes the men have to suffer in passing from Nuwara Eliya to the lowcountry, and so, I think, to allow this branch of the Service to continue without a pension would be a blot upon the administration of the colony. You, sir, in your last despatch, said: "Admitting that in some cases the Railway Department may have advantages in pay and promotion which are not enjoyed to the same extent by the other branches of the Service, yet my own opinion is that such a difference of treatment as is proposed by the Executive Council will engender heartburning and discontent, and I doubt whether the gain in abstract principle, and in economy of the public funds, will be sufficient to compensate the loss of the practical convenience and of contentment and goodwill in the Railway Department which a uniform system of pension would secure." Now, sir, I am sure that the unofficial members thoroughly endorse what you wrote in that despatch (Applause from the unofficials) and I am perfectly certain that the whole body of Railway employees thank you especially for the way in which you placed their case before the Secretary of State. I thoroughly endorse everything you have said, and I do trust that this Council will see its way to grant the pension at the full rate awarded to ordinary public servants.

The Hon. ABDUL RAHIMAN :—Sir: The indoor and outdoor staff should be admitted to full pension rights. The railway officers are one of the most hard-working people, through whose energetic and careful attention the Government is receiving the



highest revenue in the colony. It is due to the credit of the outdoor department and to the careful management of the Ceylon Railway and it compares very favourably with those of other countries. It is very surprising indeed that so hard-working a class of people should have been kept without pension for the last 25 years. Your Excellency should take this matter into consideration and obtain for them their pension, for which you would receive the thanks of the public.

The Hon. A. DE A. SENEVIRATNE:—It, no doubt, would be a very great drain upon the revenues of the country if pensions were paid to everyone retiring from employment, but I cannot see that a distinction should be made between those employed in the Railway Department and those in the fixed establishments. I believe that the railway officials have to work hard, and have to endure hardships which very few in the other departments have to go through, and it is only right that when they retire, pensions should be granted to them. There is only one little difficulty that I can see, and that is that they are in a provisional establishment and not in a fixed department and are liable to be removed at any time. The Government may even decide to give over the railway to a Company instead of burdening itself, but the same may be said in regard to some other departments in which pensions have been allowed. I wish my hon. friend had gone further, and had included all officers, not only in the Railway Department but officers in the provisional establishments, whatever department they belong to. I refer more especially to the officials in the Surveyor-General's Department in what is called the provisional portion of it. They have to work as hard as—and perhaps harder than—the others, out in the fields, and perhaps a fewer number of years bring about a greater drain on their nerves than the officers employed in offices in towns, and yet these men, after working hard for several years, have to go without any pension at all. In the provisional portion of the Surveyor-General's Department there are only four surveyors who are entitled to pensions. I should like the right of pension to be extended to all, and I wish my hon. friend had included them in the application for pensions, but, as we are only dealing with the application for pensions for the Railway Department, this is not a proper time to discuss it. However, I repeat my wish that the Government will provide, very speedily, for the payment of pension to those officers who, I think, earn it perhaps under greater hardships than even the railway officers. This matter has been brought up several times before the public, but received little encouragement at the hands of the Government. I do hope Your Excellency will be pleased to consider the case of these minor officials—men whose views cannot be heard so well as in a combined department. I wish the Surveyor-General were here, for if so he would have supported me in the view that these men are thoroughly deserving of the pensions.

The Hon. P. D. ANTHONISZ:—I quite agree with my hon. friend with regard to Railway officials. I think they are a hard-working class of public servants and inasmuch as the Railway is a Government railway I think these servants, both indoor and outdoor, should be pensioned, and I have much pleasure in supporting the resolution.

The Hon. T. B. PANABOKKE:—I heartily support the motion before the House, but I think it is idle on my part to take up more time after what has been said by my hon. friends on this side of the House. I endorse their opinions fully that the officers of the Railway Department is a very ener-

getic, obliging and civil body of men, and they fully deserve pensions equally with the officers of the other Government departments. I understand that even the officers to whom my hon. friend who represents the maritime Sinhalese has been alluding have been provided for and that they also are entitled to pensions. However, that may be, I think we have a very strong case, and the railway officers highly deserve the pensions that they ask for.

H. E. the GOVERNOR then put the motion to the House, and declared it to be carried without opposition, amid applause from the unofficial members.

#### THE CONTINGENT SERVICES.

The Hon. the Acting COLONIAL SECRETARY:—Sir, I rise to move the first reading of "An Ordinance for making provision for the Contingent Services for the year 1893." The Bill is in the same form as previous Bills, with this object that are passed annually. All the items in the Bill that are worthy of special notice have been brought before the Council in the special message read this day last week. I will not, therefore, detain the Council by mentioning any particular items. The total of the Bill is R12,552,745. The difference between that and the total in the estimates already laid before the Council is accounted for by the items provided for by special means, such as interest on the various loans of the Government, the military contribution, the fixed establishments, and other items of the same nature. I move, sir, that the Bill be now read.

The Hon. the ATTORNEY-GENERAL:—I second that.

This being agreed to,

The Hon. the Acting COLONIAL SECRETARY:—I give notice that I shall move the second reading at the next sitting of Council.

#### SURPLUS REVENUES AND RAILWAY IMPROVEMENT.

The Hon. the Acting COLONIAL SECRETARY:—I rise, sir, to move the first reading of "An Ordinance to apply a portion of the Surplus Revenues of past years to Works and Services of acknowledged public utility." It is some time since the Government of Ceylon has been sufficiently fortunate to be in a position to propose a Bill of this nature: but fortunately the revenue last year and in the year before exceeded the expenditure by considerable sums, which has left a very large balance at the disposal of the Government, and the object of this Bill is to appropriate nearly the whole of that balance. When this Bill reaches Committee I propose to add one or two items to the Bill, but the total will not be very materially increased. The whole of these items have been already discussed in the message laid before Council this day last week. Before moving the Bill I should like to make an explanation. A very large portion of this Bill consists of items for the Railway, and I wish to explain particularly to the Council that all these items are for the opened line of Railway, and that no portion of the amount to be appropriated by this Bill is to be used for the extension to Haputale and Bandarawela or the seaside extension to Galle. The fact that such a very large expenditure is required for new works upon the main line of the Railway is explained as follows:—In the first place these branches have thrown on the main line a very large additional traffic—at least we hope for a large addition—and to carry that we want additional rolling stock, carriages, &c. We also require that the workshops in Colombo should be enlarged and new machinery imported. For all these purposes very large additional expenditure is required



Then I may explain that in past years, owing to the rigid economy it was necessary for the Government to exercise, works exceedingly desirable for the railway were postponed. But the time has now come when these works can be postponed no longer, and, therefore, this year a very large expenditure has to be provided for. There is a certain amount of justice in charging this to the Surplus Fund, because, but for that economy, no surplus, or a much smaller one, would have accrued. I move, sir, that the Bill be now read a first time.

The Hon. the ATTORNEY-GENERAL:—I second the motion.

The first reading having been agreed to,

The Hon. the Acting COLONIAL SECRETARY:—I give notice, sir, that I shall move the second reading of this Bill at the next meeting of Council.

#### AN EXPORT DUTY ON TEA.

The Hon. the Acting COLONIAL SECRETARY:—I rise to move the first reading of a Bill entitled "An Ordinance to levy an Export Duty on Tea." This Bill, sir, is one which the Government has been induced to propose at the instance of the Ceylon Planters' Association. The Planters' Association, I may say, representing nearly all classes in Ceylon, feel desirous that the colony should be well represented in the great exhibition which is about to be held at Chicago. The main object of Ceylon at that exhibition will be to push the consumption of tea in America as far as possible, and for this purpose the planters are willing that a special duty should be charged upon the export of that commercial product, and have asked the Government to take the necessary legislative powers. The duty will be levied with the existing levy that is made for medical wants, and it will be at the rate of 10 cts. for every 100 lb. of tea. No time is fixed for this duty to cease. It is proposed that it shall be levied until the whole of the expense of the representation of Ceylon at the Exhibition has been defrayed. I should say that, in addition to this ordinance, another fund is being provided by the Government for the same object. His Excellency the Governor gave an undertaking to the Planters' Association that certain railway rates should be reduced from some future date, because it was considered that the railway could afford it, and also it was a right and proper thing to do, when tea was passing at a higher rate than it should do. That reduction was to have come into operation on the first of October—that is, the first of the present month—but, at the request of the Planters' Association, the reduction will not actually come into operation yet—that is to say, the tea which is sent by railway will be carried at the old rate, but a portion of what is to be charged in future will be accounted for as set apart for the adequate representation of Ceylon at the Chicago Exhibition. Practically, that means that the reduction will not come into force until the date at which this Ordinance will come into operation, and this Ordinance will remain in force until the total expenditure has been met.

The Hon. L. H. KELLY:—I have, sir, much pleasure in seconding the resolution now before the Council, and in doing so, sir, I take this opportunity, on behalf of the Planters' Association and the planting body generally, of thanking Your Excellency for the very ready and prompt manner in which you have met the wishes of the planters. I had an opportunity of laying before Your Excellency figures—supplied by the senior officer at the Customs and also by the head of the railway—which I think conclusively proved to you that about 25 per cent of the tea produced in this colony does not pass over the railway, and it was for this reason

that the Planters' Association and, I may say, the planters generally considered this export duty would be a very fair one, as it would reach all. I need say no more now, sir, but I thank you very heartily on behalf of the planting community for the way you have met our views.

The first reading being agreed to,

The Hon. the Acting COLONIAL SECRETARY:—Sir, I give notice that I shall move the second reading of this bill at the next sitting of the Council.

#### TAVERN LICENSES.

The Hon. the Acting COLONIAL SECRETARY:—Sir, I move the third reading of "An Ordinance for imposing a Duty on Tavern Licenses within Municipalities."

The Hon. the ATTORNEY-GENERAL seconded, and, the Bill having been agreed to, the report of the Law Officers of the Crown was read.

#### REGISTRATION OF MARRIAGES, BIRTHS AND DEATHS.

The Hon. the ATTORNEY-GENERAL:—Before the Bill relating to the registration of marriages, births and deaths is read a third time, I desire to mention that it is anticipated there will be some delay in the completion by the Government Agents of the lists redefining the various registration districts in each province, and naming a registrar for each district. As it is intended to cure all past irregularities in registration, it is desirable that the proclamations giving effect to the redistribution of districts should be published at the same time that the new Ordinance is brought into force. If this were not done, another Ordinance would be required to render valid the registration which might take place between the present time and the date of those proclamations. I therefore beg to move that the Bill be re-committed for the purpose of making the necessary amendments.

The Hon. the Acting COLONIAL SECRETARY seconded the motion for the recommitment, which was agreed to.

The Hon. the ATTORNEY-GENERAL:—I now move that the words "coming into operation" be inserted in line 3 clause 1 for the word "passing."

This being agreed to, the same amendment was made in line 10, and the following addition was made to clause 4—"and it shall come into operation from and after such date as the Governor shall appoint by proclamation published in the *Government Gazette*." Council then resumed, when

The Hon. the GOVERNMENT AGENT W. P. said:—I move that the report of the Law Officers of the Crown be read.

The Hon. the ATTORNEY-GENERAL seconded, and the report having been read, the Bill was, on the motion of the Hon. the GOVERNMENT AGENT W. P., seconded by the Hon. the ATTORNEY-GENERAL, read a third time and passed.

#### ANOTHER REGISTRATION ORDINANCE.

The Hon. the ATTORNEY-GENERAL:—I beg to move the second reading of "An Ordinance to authorise the appointment of Additional Provincial and District Registrars."

The Hon. the Acting COLONIAL SECRETARY:—I beg to second that.

The second reading being agreed to,

The Hon. the ATTORNEY-GENERAL:—I move that the Council do go into Committee on the Bill.

The Bill having been passed through Committee, The Hon. the ATTORNEY-GENERAL reported it to the Council, and it was referred to the Law Officers of the Crown for report.

#### THE LOAN BOARD BALANCES.

The Hon. the Acting COLONIAL SECRETARY:—I beg to move the second reading of a Bill entitled "An



Ordinance to provide for the further appropriation of certain Unclaimed Balances from the Loan Board."

The Hon. the ATTORNEY-GENERAL:—I beg to second.

The Hon. P. RAMANATHAN:—May I ask, sir, whether it is competent for any member of the Council to suggest that instead of any one of these items another work may be substituted. Also whether a Sub-Committee may be appointed to consider the advisability of substituting one thing for another.

HIS EXCELLENCY:—By permission such power can be given.

The Hon. P. RAMANATHAN then moved the submission of the Bill to a Sub-Committee.

The Hon. W. W. MITCHELL:—I support the motion that it be referred to a Sub-Committee to give an opportunity for considering whether other works might not be provided for, such as sheds for witnesses at Hulftsdorp. That has been a long-felt want, but I see no provision in the estimates for such accommodation being supplied. It has been customary to make such provisions from balances of this nature, but unless something be struck out and this inserted there seems no possibility of its being carried out.

H. E. the GOVERNOR:—I may say at once that it is proposed to submit this Bill together with the Supply Bill and the Surplus Funds Bill to the same Sub-Committee of the Legislative Council.

The Hon. the Acting COLONIAL SECRETARY:—I should explain that provision has already been made in the estimates for 1892 for building witness-sheds at Hulftsdorp. The money has not been spent owing to the difficulty of meeting the views of persons concerned as to where the sheds should be placed. I now beg to move that the Bill be submitted to a Sub-Committee composed of the Hons. the Auditor-General, the Treasurer, the Principal Collector of Customs and Messrs. Ramanathan, Seneviratna, Grinlinton, Kelly, and the mover.

This was agreed to.

#### THE SAVINGS BANK ORDINANCE.

I beg to move the second reading of "An Ordinance to amend 'The Ceylon Savings Bank Ordinance, 1859.'"

The Hon. the Acting COLONIAL SECRETARY seconded, the second reading was agreed to, and the Council went into Committee on the Bill.

On clause 3 being read,

The Hon. Mr. W. W. MITCHELL said:—I should like to ask in connection with this clause the reason why no director should receive "any salary, allowance, profit, or benefit whatsoever"? If all directors are to be officials I quite understand it. Their time is already paid for. But if directors are proposed to be other than officials it could hardly be expected that men whose vocations take up the time during the day should be expected to give up their time to the management of the Bank and receive no remuneration for it.

The Hon. J. J. GRINLINTON:—I go further than my hon. friend. I say if they are officials or unofficials they should be paid. This is a matter connected with mercantile business, and the labourer is worthy of his hire, I think it will have the effect of making the directors punctual in their attendance at the meetings. If their attendance is necessary it is certainly worth paying men to give their time and attention to the Bank. I would not make the fee a large one. They call certain people "guinea-pigs" who attend meetings of directors in London, but I think a small fee of that character, is not alone desirable but I think it should be given and that

it should come out of the funds of the institution.

The Hon. the TREASURER:—In answer to the hon. member I may say it is not the intention of the Government to appoint any but officials directors of the Bank, and, as regards the remuneration of the officials, that is a matter for the Government itself.

The Bill was then read and passed.

The Hon. A. DE A. SENEVIRATNE then raised a question as to the arrangement of the clauses, and suggested that they should not merely give the words to be substituted for certain other words in the principal Ordinance, but that the whole clause, with the amendments, should be printed in the new Ordinance in full. He did not see that there would be any difficulty about it.

The Hon. the ATTORNEY-GENERAL:—The amendments have been drafted in accordance with the practice hitherto observed in Ceylon. A similar course was followed in regard to amending legislation in the Imperial Parliament and in other Colonial Legislatures. To reprint in full every section of the Principal Ordinance as amended would no doubt, be convenient, but the better plan would be to consolidate the two Ordinances after allowing a reasonable time to judge of the practical working of the amendments.

The Bill having been passed through Committee,

The Hon. the TREASURER reported it to the Council and moved that it be referred to the Law Officers of the Crown for report.

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

#### THE ADJOURNMENT.

The Hon. the Acting COLONIAL SECRETARY then moved the adjournment of the Council to Wednesday next at 2-30 p.m.

The Hon. W. W. MITCHELL:—I would ask Your Excellency whether it would suit your convenience to arrange that future meetings should take place at the old hour of 3 o'clock. It will be a much more convenient time to the unofficials. For instance, today is mail-day, and I had the greatest difficulty in getting here from my work. Every alternate Wednesday is mail-day, and if 3 o'clock will be equally suitable to the official members we should be glad if you could fix that time in future.

H. E. the GOVERNOR:—I will give careful and close consideration to the suggestion of the hon. member, and if I find there is no objection of a serious nature on the part of the official members to the alteration of the hour from 2-30 to 3, I shall have much pleasure in altering it after the next sitting, but for the present the Council will stand adjourned until 2-30 on Wednesday next.

#### WEDNESDAY, OCTOBER 12, 1892.

Present:—His Excellency Sir Arthur Elibank Havelock, K.C.M.G., the Governor, who occupied the chair; H. E. Major-General Dunham Massy, Commander of the Forces; the Hons. J. A. Swettenham, C.M.G., Acting Colonial Secretary; Sir S. Grenier, Attorney-General; Allanson Bailey, Acting Auditor-General; G. S. Williams, Acting Treasurer; Colonel F. C. H. Clarke, C.M.G., Surveyor-General; A. R. Dawson, Government Agent for the Western Province; P. A. Templer, Government Agent for the Central Province; R. Reid, Acting Principal Collector of Customs; P. Ramanathan, C.M.G., Tamil representative; J. J. Grinlinton, general European representative; Dr. P. D. Anthonisz, C.M.G., Burgher representative; W. W. Mitchell, Mercantile representative; M. C. Abdul Rahiman, Muhammadan re-



presentative; A. de A. Seneviratne, Sinhalese representative; and L. H. Kelly, Planting representative; also Mr. H. L. Crawford, Clerk of the Council.

*Absentees*:—The Hon. T. B. Panabokke, Kandyan representative.

The minutes were read and confirmed.

PAPERS.

The Hon. the Acting COLONIAL SECRETARY laid the following papers on the table:—Administration Reports, 1891, Part I—Revenue. Working of the Thoroughfares Ordinance Part II—Revenue. Working of the Local Boards. Sessional Papers. Police Administration. Scheme for the re-arrangement of the Police Force. Persons committed to labour centres from 1886 to 1890. Village Tribunals. Statement showing the districts, presidents, their salaries and staffs and the number and nature of the cases disposed of during 1891.

ASSENT TO ORDINANCES.

The Hon. the Acting COLONIAL SECRETARY then intimated that His Excellency had given his assent to the following Ordinance:—Ordinance No. 9 of 1892 intituled "An Ordinance for imposing a duty on Tavern Licenses within Municipalities." Ordinance No. 10 of 1892 intituled "An Ordinance relating to the registration of Marriages, Births and Deaths."

THE SAVING OF COLLECTING THE PADDY TAX.

The Hon. L. H. KELLY asked under what headings it is proposed to show the saving of the cost of collecting the Paddy Tax.

The Hon. the Acting COLONIAL SECRETARY:—Sir, I presume the hon. gentleman refers to the estimates when he uses the word "headings" and in reply I would say that the estimates are intended to show what sums the Government propose to expend next year. The sums which Government do not propose to spend at all find no place in the estimates.

THE GOVERNMENT AND THE ACQUISITION OF PADDY LAND.

The Hon. A. DE A. SENEVIRATNE:—Will you permit me to do now what I should have done before the hon. the planting representative's question was asked, namely to present a petition from certain inhabitants of Pepiliyana, in Salpiti Korale, wherein they complain that the Government is going to take over for a public purpose 9 acres of an extensive paddy land whereby not only their interests will suffer but the interests of several others in the neighbourhood. I move that the petition be read.

The Hon. Mr. MITCHELL seconded; and the motion being agreed to the petition was read by the Clerk of Council.

The petition was as follows:—

The humble petition of John Garratt Abayasakera Appuhami and the rest of the undersigned, all of Pepiliyana, Boralesgomuwa, Diwulpitiya, Gangodawila and Ballantara in Salpiti Korale. Most respectfully sheweth,—That the petitioners beg leave most respectfully to submit the following facts for the kind consideration of Your Excellency and your honourable Council.

That the petitioners and others are either by right of paternal or maternal inheritance or by purchase, the lawful owners of that extensive paddy field known as Pepiliyan Welyaye Kumbura, situate in the village Pepiliyana and other fields lying lower down in the villages Boralesgomuwa, Diwulpitiya, Gangodawila and Ballantara in the Salpiti Korale and consisting of about a hundred acres.

That without any notice to those of the petitioners who own the Pepiliyan Walyaya Kumbura, a Government surveyor having, in four different places, caused the fence to be cut which protected the entire paddy fields from depredations by cattle, entered

into the field together with his coolies and surveyed and marked out the limits of about nine acres of the said field. It was stated that the Government intended to acquire the nine acres for the purpose of obtaining clay to make bricks. The survey was made on the 13th, 14th and 15th of July in the presence of the village headmen; and the portions of the fence were not re-erected till the 20th July. The entire field had been sown with paddy and the crop was in a state of immaturity and, irrespective of the damage done to it by the invasion of it by the surveyor and his coolies who moved about backwards and forwards with the chains for measuring and treaded upon the growing crop regardless of the damage they were causing to its owners, —irrespective of such damage, the petitioners submit that cattle trespassed on the field and caused damage. The petitioners do not refer to the damage thus caused as a special ground of complaint, although they regret the action of the surveyor, who did not deem it proper to give any previous notice of what he had intended to do.

That the petitioners are well aware that the Government may, under the Land Acquisition Ordinance, acquire land anywhere in the island, but the petitioners beg to submit to Your Excellency and your honourable Council the important fact that the acquisition of *the nine acres* referred to would entail serious loss and inconvenience in the case of the many owners of the entire range of fields of about a hundred acres in extent.

That the portion surveyed occupies a central position and if acquired for any other purpose than cultivation will render the cultivation of the entire range very difficult, because an adequate quantity of water could not be secured.

That it may be contended that water can be so diverted from existing channels as to admit of its being used for cultivating all the fields; but the petitioners beg to submit that it is only by the construction of *costly* dams that such a beneficial diversion of water can be effected. Whatever may be the safeguards proposed to be adopted, the occupation by the Government of the central portion of the tract of land will be most prejudicial to the owners of about a hundred acres of land.

That the petitioners beg to impress on Your Excellency and your honourable Council the fact that the payment of any assessed value by the Government will not compensate for the serious hardship and distress which the proposed acquisition will entail. The entire field is an exceptionally prolific one and has been regularly cultivated. Were it a sterile or an ordinary field the petitioners would not object to part with it. Owners of fields which do not yield a good harvest would cheerfully part with them for value, and many such fields could be got in closer proximity to Colombo, which would give clay for making bricks. The petitioners understand that the Government Factory Engineer is now obtaining clay from some fields near Gonawala, at the 9th milepost on the old Ratnapura road; and if that be so, sufficient clay can be obtained, as the petitioners learn from those fields and others in proximity to them, the owners of which will not object to part with them by reason of their sterility and the more important fact that their acquisition will cause no distress nor anxiety, as in the case of the Pepiliyana fields.

Wherefore the petitioners most humbly pray that it may please Your Excellency and your honourable Council graciously to consider their case as a special one and to refrain from acquiring the portion of the field referred to.

For which act of favor the petitioners as in duty bound, shall ever pray.

Colombo, Oct. 7th, 1892.

TRANSLATIONS OF ORDINANCES FOR HEADMEN.

The Hon. T. B. PANABOKKE was to have moved that it is desirable that Government should provide the Native Headmen with translations of such Ordinances or extracts of them as impose upon them duties in their official capacity as Headmen.



The Hon. the Acting COLONIAL SECRETARY:—The hon. member for the Kandyan (Mr. Panabokke) is unavoidably absent. He telegraphed today stating that he would be unable to appear at the Council meeting, and he requested that the motion in his name might be postponed. Government has no objection to that course if it suits the Council.

THE RAILWAY STATION AT DODANDUWA.

The Hon. W. W. MITCHELL moved that the petition presented last week on the subject of the proposed site for a Railway Station at Dodanduwa be referred for consideration and report to a Committee of this Council to be named at the next sitting of Council.

The Hon. A. DE A. SENEVIRATNE seconded and suggested that the committee might be named now.

The Hon. Mr. MITCHELL said he was quite prepared to do that.

The Hon. the Acting COLONIAL SECRETARY, —Sir—I should state that this is a matter which has already received a considerable amount of attention from Government. The original design of the Galle railway included a very large number of stations; in fact in 34 miles it was proposed to have as many as 13 stations: that was a station to less than every three miles. It was seen on consideration that this number was far too large, and I believe it is acknowledged that on the opened line, that is from Colombo to Alutgama, there are already too many stations. An excess of stations operates prejudicially in several ways. It entails greater cost than is absolutely necessary; it causes great loss in the working of the line; and it also delays the trains. Speaking as a traveller I think nothing is more wearisome than to see a train delayed at stations, sometimes for one passenger sometimes for two, sometimes for none. Well, it being considered that the thirteen stations proposed on the Galle extension were too many, Government took advice with engineers and persons who have experience in railways, and it was found that whereas it is exceedingly easy when starting a line to provide a few stations, and afterwards, if experience shows that the traffic requires it, to add other stations wherever the necessity for these makes itself felt, it is exceedingly difficult if you once start with a useless or next to useless station to do away with it, because people, even if only a very few persons are interested, come to regard it as a convenience. Government having considered the matter resolved to reduce the number very considerably, and amongst other reductions it was proposed that whereas originally two stations had been designed, one at Dodanduwa and another at Ratgama, only one mile and 48 chains farther on, it was resolved that only one new station should be made exactly half-way between the places originally proposed for the two stations so as to accommodate the people at both places. The villages are not very large ones. Last census gives the population of Dodanduwa at 417 persons and Ratgama at 250. That however must be understood to be the population within very circumscribed limits as the census of 1881 which includes the environs of the villages gives the population of Dodanduwa 1614 and of Ratgama 813. Altogether there is not a very large number of persons concerned in this matter. After full consideration—and I may say that the Government Agent of the Province agrees with the Government—it has been decided that one station ought to suffice for these two villages. As regards the country behind both are on equal terms, and the station will be exactly half way between the two roads. Neither village will have the preference over the other in this respect. I

have carefully read the petition which has been presented chiefly from the people of Dodanduwa in favour of having separate stations for the villages or of the station being placed at Dodanduwa, and I cannot say that they have made out a strong case. It is said that there is a Customhouse there. That is true, but the business is very small, and when the railway is opened the business will be smaller still, for the railway will bring a great many things that are now brought by sea. Reference is also made to a church and schools being there. Well, I don't think that the church or schools will be unduly prejudiced by the station being removed 60 chains or three-quarters of a mile further along. Some of the objections seem to have originated in the fact that the people of Dodanduwa are jealous of the people at Ratgama, but it is not our business to take these facts into consideration. I think if there is one thing more likely than another to reconcile the two villages it is the fact that the railway station is between the two. For these reasons Government does not think the question is now open to reconsideration, and prefers to adhere to the resolution that there should be only one station and that half-way between the two places. I may state that the estimates for the Galle line have been made out on that basis and were laid on the table several months ago.

The Hon. Mr. MITCHELL:—Sir, after this explanation the only course open to me is to withdraw the motion; but I think it would have been very much more satisfactory in view of the strong feeling on the subject, if a committee had been appointed to inquire into the question and decide it in a perfectly unbiased manner. The railway authorities, I believe, decided first of all that Dodanduwa was the proper place for this station. There is no doubt that a larger number of roads converge upon Dodanduwa than upon Ratgama, and there is a much larger population than at the place where it is now proposed to put the station. If the station had been put at the place first indicated I think the people would have been satisfied; but as it is there is likely to be a good deal of dissatisfaction.

H. E. the GOVERNOR:—I understand the hon. member withdraws his motion?

The Hon. W. W. MITCHELL:—Yes, I withdraw it.

H. E. the GOVERNOR:—I think I may add to the hon. gentleman's confidence when I tell him and the Council that I have passed over the Galle road three times within the last few months; that on each occasion I made it my business to inquire into this question of the desirability of moving the station from the originally fixed site at Dodanduwa to the spot where it is now fixed; and that I have satisfied myself that no substantial damage is done to the people of Dodanduwa. The villages of Ratgama and Dodanduwa almost touch on another towards the south. The station is actually to be built within what are considered the limits of the village of Dodanduwa, and it will have the name of Dodanduwa. It will certainly be on the southern outskirts of that village, but I do not think that the length of the village covers more than a mile. Therefore the furthest point of the village from the station will be a mile or under a mile. I repeat again that I am perfectly certain that there is no substantial injury done to the inhabitants of Dodanduwa by the change of station, and a considerable economy has been effected on the original plan for the Galle railway by the reduction that has been made in the number of stations on that line, part of which consists in the change of the site of the Dodanduwa station.

ADDITIONAL REGISTRARS.

The report of the law officers of the Crown having been read



The Hon. the ATTORNEY-GENERAL moved the third reading of "An Ordinance to authorise the appointment of Additional Provincial and District Registrars."

The Hon. the Acting COLONIAL SECRETARY seconded. The motion was agreed to and the bill was read a third time and passed.

#### THE SAVINGS BANK.

The report of the law officers of the Crown having been read

The Hon. the TREASURER moved the third reading of "An Ordinance to amend 'The Ceylon Savings Bank Ordinance, 1859.'"

The Hon. the GOVERNMENT AGENT, C.P. seconded. The motion was agreed to and the bill was read a third time and passed.

#### THE POST AND TELEGRAPH LAW.

Council went into Committee on "An Ordinance to amend and consolidate the law relating to postal and telegraph communications." The Sub-Committee's report was submitted as follows:—

*Section 10.*—The Sub-Committee recommend that provision be made for postcards other than those provided by the Commissioner of Stamps, and that they may bear an adhesive stamp: they propose therefore to modify the definition given in the Ordinance so as to run as follows:—"Postcards are—"(i.) Such cards as are supplied by the Commissioner of Stamps. "(ii.) Such cards (not exceeding in either size or weight those supplied by the Commissioner of Stamps) as may be tendered for transmission by post, bearing on one side nothing but an address and an adhesive stamp."

*Section 13, line 4.*—After "substance" the Sub-Committee recommend the insertion of the word "whatever," and in line 5 after "bottle" the insertion of the words "which may injure the contents of the mail."

*Section 17, line 7.*—Before "printed matter" the Sub-Committee recommend the insertion of the word "letters," and in line 8 after "opened" they recommend the omission of the whole of the rest of the section, and the insertion in place thereof of the following words: "by the addressee or his agent in presence of an officer of the Customs or of the Postmaster."

*Section 24.*—The Sub-Committee recommend the omission of the following words in lines 23, 24, and 25: "until such declaration shall be made and produced no officer of the Customs shall permit such vessel to report, or break bulk, or to make entry in any port, and."

The Sub-Committee report for the consideration of the Executive Government under section 37, two suggestions which have been discussed by them:—*First.*—With regard to postcards, it has been suggested that any rate which involved a fraction of a cent as postage would be productive of inconvenience to the public. *Second.*—With regard to district letters in localities where there is no delivery by Post Office messengers, it has been represented that many letters are sent by private messengers to the Post Office for delivery to other private messengers at the same place, and that as the Postmaster merely obliterates the stamp and hands the letter over to the messenger the existing postage is excessive. It has been suggested that the practical difficulties in the way of admitting such letters at a lower rate might be met by the use of a special distinctive envelope marked "district letter."

On the motion of the Hon. the Acting COLONIAL SECRETARY section 10 was amended as recommended by the Sub-Committee.

The Hon. the Acting COLONIAL SECRETARY afterwards said:—It has been suggested to me that it would be well to provide for reply post-cards (the definition of which is taken from the English Act 45 Vict. Chap. 2) and with that object I propose after the word "post-cards" to put in the words

"including reply post-cards"; and at the end of the clause I propose to insert the following "reply post-cards mean post-cards of such a character that a person receiving the same through the post may without further payment again transmit the same or part thereof through the post."

This was agreed to, as were also the other recommendations of the Sub-Committee. Section 13 as amended provides that no dangerous substance "whatever" shall be sent by post "or any glass or glass bottle which may injure the contents of the mail." Section 17 as amended provides for the opening of postal packets from foreign countries. "Letters, printed matter, or miscellaneous packets when seized will be opened by the addressee or his agent in the presence of an officer of the Customs or of the postmaster." Clause 24 deals with the landing of postal packets by the masters of vessels at the first port touched at in the island, and the masters are obliged to make a declaration that they have delivered every postal packet that was on board their vessels. The effect of the words omitted is obvious.

On the motion of the Hon. the Acting COLONIAL SECRETARY the amount of fine and the limit of alternative imprisonment for desertion of the mail was fixed, so that section 54 now reads as follows:—

"Any person who shall have taken charge of the mail and shall voluntarily quit or desert the same before he has delivered it into the post office at the termination of the route, or to some other messenger or person employed in the postal department and authorised to receive the same, shall be guilty of an offence, and liable to a fine not exceeding 250 rupees, or to rigorous or simple imprisonment for any term not exceeding twelve months, or to both."

Council having resumed the Hon. the Acting COLONIAL SECRETARY reported the bill as amended, and on his motion it was referred to the law officers of the Crown for their report.

#### THE MERCHANDISE MARKS BILL.

The Hon. the ATTORNEY-GENERAL brought up the Sub-Committee's report as follows on "An Ordinance to amend 'The Merchandise Marks Ordinance 1888'":—

The Sub-Committee unanimously recommend that the Bill (excepting the proviso to clause 1) be adopted, with a suspending clause added thereto with the object of giving reasonable notice of the change in the law to all interested within and beyond the Colony. With regard to the said proviso, there is a difference of opinion among the Members as shown in the annexed division list. Division on Proviso to Clause 1. Question: That the proviso do stand part of the Bill.—*Ayes.* The Hon. the Colonial Secretary; The Hon. the Attorney-General. *Noes.*—The Hon. W. W. Mitchell; The Hon. J. J. Grinlinton.

Clause I provided that "Every person who imports any piece-goods ordinarily sold by length or by the piece manufactured beyond the limits of the Colony, or who sells, or exposes for, or has in his possession for sale or any purpose of trade any piece-goods ordinarily sold as aforesaid, whether manufactured within or beyond the limits of the Colony, which have not conspicuously stamped in English numerals on each piece the length thereof in standard yards, or in standard yards and a fraction of such a yard, according to the real length of the piece, shall be guilty of an offence against this Ordinance. Provided always that nothing in this sub-section contained shall apply to any piece-goods manufactured within the limits of the Colony by hand labour only."

The Council went into Committee on the bill, when

The Hon. W. W. MITCHELL moved the omission of the proviso. He said:—The Chamber of Commerce in asking that the law here should be assimilated



to that prevailing in India were not aware that there was such a proviso in the Indian Act, and they certainly did not ask that the native manufacturer should be protected in this manner. We do not see why he should be so protected, and for my own part I think there is no reason why he should be allowed to vend his goods without marking them in the same way as other manufacturers do theirs. I move that the proviso be omitted.

The Hon. P. RAMANATHAN:—I have not looked into the Indian Acts upon the subject; but I do not see any reason why we should follow the Indian Acts in case a provision of the kind in this bill does not exist in them. I think, sir, it is a very merciful provision which we have introduced into this bill, and I for my part do not see any reason why those who manufacture piece goods by hand labour only should be subjected to the rigorous rules under which we are seeking to bring those who manufacture by machinery and in other ways. I for one would support the maintenance of the proviso in the bill.

The Hon. J. J. GRINLINTON:—Sir, I cannot myself see why any distinction whatever should be made. The law should be equal and apply to cases where the goods are manufactured by machinery or by hand loom. It is a very simple matter to stamp the number of yards upon a piece of goods. I know it was said the other day that some of these people do not use our English numerals. That is a mistake, they do use English numerals, and there is no reason whatever why they should not be stamped on the cloth. They are also in the habit of using English measures in the transaction of their business. I think it would be a great pity if such a distinction were made, and I trust that the proviso may be expunged.

The Hon. the Acting COLONIAL SECRETARY:—Sir, I should explain why, as a member of the Sub-Committee, I voted against the motion which has now been made to the Council. It is a very easy thing for manufacturers who work on a very large scale and turn out so many thousand pieces of exactly similar dimensions to stamp upon these the exact measurement of each piece. The language which they use is their own language, and the measurements they use are their own, and the trouble of stamping distributed over such a large number of pieces is infinitesimal, and I may add that the cost is infinitesimal; but it is a very different thing in the case of a poor villager far away from civilization, who in his village makes perhaps only one or two pieces of cloth by hand in a year. In the first place he cannot get a stamp; in the second place, even if he did, he cannot put on the exact measurement in English measures, and in the third place the cost is prohibitory, because he would have to get probably a separate stamp for each piece which he makes. He never makes two pieces of the same dimensions; he makes them according to pattern or according to some other reason which satisfies him and which prevents him from observing uniformity; and I think it would be a great hardship were you, under those circumstances, to compel him to adopt the same formalities as are to be adopted by manufacturers on a large scale. I should add, too, that it is quite unnecessary; for anyone who buys always satisfies himself by measuring that he has got the exact length he purchased.

The Hon. ABDUL RAHIMAN was understood to say that silks, shawls, comboys &c. coming from India were generally sold by the piece, and it was a trick of the trade for people to say that there were 10 yards when there was not so much as

that. It might be said that there was five yards in a comboy, but often there was only  $4\frac{1}{2}$  or  $4\frac{1}{4}$  yards, and these things were never marked in yards. Silks also came from Japan and China, and these were not marked in English figures. He did not say that there was fraud intended, but what he had stated was common.

The Hon. L. H. KELLY:—I think, sir, that the hon. gentleman who has just spoken has conclusively shown that it is necessary to do away with this proviso when he states that goods from native manufacturers in India, China and Japan are much shorter or lesser in quantity than they profess to be. I shall support the motion.

The Hon. the AUDITOR-GENERAL:—Sir, the hon. member forgets that the proviso only refers to goods manufactured in the colony. I quite agree with the Colonial Secretary in what he stated, and I may add that in the Batticaloa district the people who weave cloths know nothing about English numerals and they measure the cloth by their forearm. I think the proviso is very necessary.

The Hon. the ATTORNEY-GENERAL:—I have heard nothing said today that requires any reply from me. When I moved the first reading of this bill I fully explained the grounds on which it was sought to insert this proviso in the Ordinance, and quite apart from the question whether it was assimilating the Ceylon law to the Indian law I pointed out the hardships which would result to native weavers by the absence of such a proviso as the one that has been taken exception to. My hon. friend who represents the mercantile community has said absolutely nothing today to meet the objections I pointed out to the proviso being deleted. I cannot quite follow the member for the planting community. China and other places mentioned are foreign countries from which goods may be imported into Ceylon, and it is necessary that these goods should be carefully marked. It has never been suggested that Ceylon-manufactured goods have ever been marked, or have ever had false marks placed upon them. The weaving industry in Ceylon is, I believe, a languishing industry, and if you want to snuff it out altogether you have only to require these poor villagers to go to the expense of having a stamp prepared for marking their goods. In the event of there being a fraction of a yard wrongly stated we know what harrassing and oppressive litigation may be taken against them, I won't say by headmen but by their fellow-villagers. If you require them to stamp, in English numerals, yards and fractions of yards to indicate the real length of the piece, you open a large door for improper and false litigation and very oppressive conduct. (Applause.)

The Council then divided as follows:—

Noes. (12).	Ayes. (4).
The Hon. P. Ramanathan	The Hon. W. W. Mitchell
"   Abdul Rahiman	"   J. J. Grinlinton
"   A. de A. Seneviratne	"   Dr. Anthonisz
The Hon. the Govt. Agent, W. P.	"   L. H. Kelly
"   "   "   C. P.	
"   "   Surveyor-General	
"   "   Principal Col. of Customs	
"   "   Treasurer	
"   "   Auditor-General	
"   "   Attorney-General	
"   "   Colonial Secretary	
H. E. the Major-General	

H. E. the GOVERNOR then announced that the noes had it by 12 to 4 and the proviso accordingly stands.

On the motion of the Hon. the ATTORNEY-GENERAL a clause was inserted providing that the Ordinance should come into operation from and after such date as the Governor shall appoint by proclamation in the *Government Gazette*.



On Council resuming the Hon. the ATTORNEY-GENERAL reported the bill as amended, and on his motion it was referred to the law officers of the Crown for report.

#### WORKS AND SERVICES OF PUBLIC UTILITY.

The Hon. the Acting COLONIAL SECRETARY moved the second reading of "An Ordinance to apply a portion of the Surplus Revenues of past years to Works and Services of acknowledged public utility."

The Hon. the ATTORNEY-GENERAL seconded, agreed and on the Council going into Committee the bill was referred to the following Sub-Committee:—The Hons. the Auditor-General, the Treasurer, the Principal Collector of Customs, P. Ramanathan, A. de A. Seneviratne, J. J. Grinlinton, L. H. Kelly, and the Colonial Secretary.

#### THE CONTINGENT SERVICES.

##### THE ABOLITION OF THE PADDY TAX.

When the Council went into Committee on "An Ordinance for making provision for the contingent services for the year 1893,"

The Hon. L. H. KELLY said:—I suppose a Sub-Committee will be appointed to consider this bill. I know, sir, that it is not usual when a Committee is about to be appointed, to speak to a bill, but I cannot help expressing my surprise at the reply which has been given to me today. I asked a plain straightforward question with regard to the saving which was to accrue from the abolition of the paddy tax, and I expected a plain answer. I said not one word about the expenditure for 1893. I simply wanted to know under what headings it was proposed to show the saving of the cost of collecting the paddy tax. I have looked through the estimates of revenue and expenditure for 1893 and compared them with those of 1892, and I find that the expenditure for provincial administration shows only a saving of R23,165. Now, sir, on 3rd March 1892 when you sent your message to the Council informing us of the abolition of the paddy tax I think the unofficial members distinctly understood and hoped that there would be a considerable saving in the administration of the provinces. I think, sir, we were entitled to expect that from what you said in your message and also, sir, from your despatch to Lord Knutsford dated 6th May 1891. In that despatch, sir, you said that "The time of the Government Agents and of their staff is largely occupied by the complicated transactions and the elaborate records and accounts of the paddy tax collection. There is no doubt that a reduction might be made in establishments if the paddy tax no longer existed." It seems to me, sir, that the direction in which we are now moving is that no sooner can a saving be effected in a provincial establishment than some new ordinance is brought in such for instance as the sanitation ordinance and ordinances of that description, as an excuse for extra work for the staff of the kachcheries—as an excuse for maintaining those staffs which we hoped would have been considerably reduced by the abolition of the paddy tax. Possibly I would have passed this matter over and brought it up in Committee had it not been that I thought I asked a very fair question. Fresh taxation was imposed upon us against the wish of every section of this colony. It was opposed in this Council, it was opposed by the Planters' Association, it was opposed by the Chamber of Commerce, and yet the Government felt it necessary to impose such taxation, although the promise was held out to us that there would be a considerable reduction. I can see no perceptible reduction, and when I asked this plain

straightforward question in Council today, I got an answer, sir, which I certainly did not expect from the mouthpiece of Government.

The Hon. the Acting COLONIAL SECRETARY:—I think it is to be regretted that the hon. member did not explain where he expected to find the saving in the estimates, and I am still at a loss to conceive where he could possibly find the particular information which it seems he desires to find under some head or other. The question simply asked under what heading the saving would be found and the hon. gentleman did not define under what heading he expected to find it. If the hon. gentleman can give me any more precise definition of the place where he expected to find the saving I shall be very glad to explain more precisely and more directly if possible the reason why it is not to be found under that particular head. With regard to savings in general I ought to explain that the way in which savings are to be discovered is by comparing the estimates of one year with another. If, for instance, there was in the estimates for 1892 an item affecting the collection of the grain tax, the disappearance of that item from the estimates of 1893 would show that that money had been saved. I maintain that that has been done all along otherwise the item would not appear in the estimates as a saving but as expenditure. The hon. gentleman confesses to some disappointment that there is not so large a saving as he expected, shown in the estimates. Sir, I share in that disappointment. It would have been much more satisfactory to me in this place to have pointed out a much larger saving, but I must explain the reasons which have prevented any larger saving than at present. In the first place the change which introduces the saving does not come into operation until 31st December next. Even on that date it is natural to suppose, and I believe I am speaking the truth when I do suppose that there will be some arrears to be collected. That work cannot be completed by 31st Dec., and the staff in the Kachcheries will not be entirely free of all care of the paddy tax until some time next year—I hope it will not be late next year. We must certainly look forward to some arrears being left for collection, more especially, as I am sorry to say, that a rumour has spread in the country that the paddy tax was abolished from 1st Jan. last. There has been difficulty indeed in collecting the tax in some districts this year already. Many petitions have come in from people stating that as the paddy tax has been abolished already they owe nothing for this year. It is exceedingly difficult to convince these people that they do owe something, and a great many are in arrear at the present time. I hope that on a review of establishments it may be possible for Government to make further reductions, but it will be necessary that that possibility should be demonstrated by experience. I can only assure the hon. member that Government is quite alive to the necessity which exists for keeping down establishments and reducing them wherever we find that a Kachcheri has too many officers. This is a matter in which the Government tries to enforce economy sometimes with success, but very often it ends in local authorities being able to demonstrate to Government that they have not too many officers. In fact in some cases they say that it is with great difficulty they are able to keep abreast of the work with the officers they have. The Government Agents are constantly put on their defence to show that they have not more officers than are required for the work; and when they do not show that, a reduction is made. If, when the abolition of the paddy tax takes



place, it is demonstrated that the provincial Kachcheries are over-manned, I am sure there will be no want of will on the part of Government to reduce the staffs until only a sufficient number of officers is left to deal with the work that will remain for them to do. I would also remind members of Council that a large amount of new duties has been put upon Government Agents and to some extent upon their staffs by the transfer, for instance, of the supervision of the Police. I lay upon the table a statement which I have prepared showing the items which have been struck out of the estimates for 1893 as compared with 1892. The total amount is R87,890. I move that the bill be referred to a Sub-Committee consisting of the Hons. the Auditor-General, the Treasurer, the Principal Collector of Customs, P. Ramanathan, A. de A. Seneviratne, J. J. Grinlinton, L. H. Kelly, and the Colonial Secretary.

#### THE PATENT LAWS.

The Hon. the SURVEYOR-GENERAL:—Sir, I rise to move the second reading of "An Ordinance to consolidate and amend the law relating to the granting of exclusive privileges to inventors." There are no further remarks to be made in addition to those I addressed to the Council when I moved the first reading of the bill. I may intimate to hon. members that it is the intention to move that the bill be referred to a Sub-Committee.

The Hon. the ATTORNEY-GENERAL seconded.

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

Council then went into Committee, when on the motion of the hon. the Surveyor-General the bill was referred to the following Sub-Committee:—The Hons. the Attorney-General, the Auditor-General, the Surveyor-General, P. Ramanathan, W. W. Mitchell and A. de A. Seneviratne.

#### EXPORT DUTY ON TEA.

The Hon. the Acting COLONIAL SECRETARY:—I beg to move the second reading of "An Ordinance to levy an export duty on tea."

The Hon. L. H. KELLY:—I have much pleasure in seconding. I would only ask, sir, that it be distinctly laid down that the Ordinance to levy an export duty on tea will only commence at the expiration of the agreement to which the Planters' Association came with regard to maintaining the present railway rates. I think, sir, some little misconception may arise on the subject, and it should be made quite clear. I spoke to the hon. the Colonial Secretary on the subject, and I think what was understood was that the present railway rates on tea should only exist until such time as this Ordinance comes into force, and that the two should not run concurrently. I may mention in passing that it would be unfair—that there is a large number of men who would not be touched in any way by the railway rates if the two were to run concurrently.

The Hon. the Acting COLONIAL SECRETARY:—I may say at once that the two are not to run concurrently, and what the hon. gentleman has stated is the intention of Government.

The second reading was agreed to and the Council went into Committee.

The Hon. Mr. MITCHELL:—I presume there is no doubt in the mind of Government that the term "export duty" is not likely to be objected to by the home authorities. A good many doubts have been expressed on that score in the colony. There has been all along I believe great objection to the term "export duty," and I hope that Government are perfectly sure that no exception or

objection will be taken to it by the Government now in office otherwise we shall be placed in a very awkward predicament.

The Hon. L. H. KELLY:—I think sir the term "Export duty" is in the present Medical Aid Ordinance.

H. E. the GOVERNOR:—I think I may safely express my confidence that no objection will be taken on the part of the Secretary of State for the Colonies to the term "Export duty" as expressing the duty proposed to be levied under this Ordinance. It is levied for an express purpose connected with the interests of the tea industry; and there are precedents in this colony and other colonies for export duties being levied for the express purpose of benefiting industries. For example in the West Indies an export duty is levied upon sugar for the purpose of assisting the Government in the introduction of immigrants from India; and here we have an export duty levied for the purpose of medical wants in the planting districts.

#### THE ADJOURNMENT.

The Hon. the Acting COLONIAL SECRETARY:—Before moving the adjournment I would ask the indulgence of the Council to mention a matter that was brought before the Council at its last meeting, namely the question of the particular hour at which the Council should assemble in future. A representation was made by some members of Council that in future the Council should assemble at 3 o'clock instead of half past 2, and His Excellency the Governor, on hearing the proposal, stated he would consult the official members of Council, and if he found that the majority were in favour of a change there would be no objection to a certain alteration being made. The official members have been consulted and the majority of them are opposed to any alteration of the usual hour, namely half-past 2. Under those circumstances if the hon. gentleman wishes to take the sense of the Council it is open to him to frame a motion and after debate the Council will decide.

The Hon. W. W. MITCHELL:—Have all the official members indicated their desire that the hour should be half past 2?

The Hon. the Acting COLONIAL SECRETARY:—A majority.

The Hon. W. W. MITCHELL:—Because if all the official members are for half past 2 we need not divide the Council.

The Hon. the Acting COLONIAL SECRETARY afterwards moved that the Council adjourn until the Wednesday after next at half past 2. In reply to H. E. the Governor he was understood to say that the reason for the fortnight's interval was that the money bills which had been brought forward might be considered fully in Sub-Committee.

Council adjourned at 4 o'clock.

WEDNESDAY, OCTOBER 26, 1892.

Present.—His Excellency Sir Arthur Elibank Havelock, K.C.M.G., the Governor, who occupied the chair; H. E. Major-General Dunham Massy, Commander of the Forces; the Hons. Sir E. N. Walker, Colonial Secretary; J. A. Swettenham, C.M.G., Auditor-General; G. S. Williams, Acting Treasurer; Colonel F. C. H. Clarke, C.M.G., Surveyor-General; P. A. Templer, Government Agent for the Central Province; R. Reid, Acting Principal Collector of Customs; J. J. Grinlinton, general European representative; P. Ramanathan, C.M.G., Tamil representative; Dr. P. D. Antbonisz, C.M.G., Burgher representative; W. W. Mitchell, Mercantile representative; M. C. Abdul Rahiman, Muham-



madan representative; L. H. Kelly, Planting representative; and T. B. Panabokke, Kandyan representative; also Mr. H. L. Crawford, Clerk of the Council.

*Absentees.*—Hons. Sir S. Grenier, Attorney-General; A. R. Dawson, Government Agent for the Western Province; A. de A. Seneviratne, Sinhalese representative.

The Minutes were read and confirmed.

#### ASSENT TO ORDINANCES.

The Hon. the COLONIAL SECRETARY.—I have to announce that H. E. the Governor has given his assent to the following Ordinances:—No. 11 of 1892 entitled “An ordinance to authorise the appointment of additional Provisional and District Registrars”; and No. 12 of 1892—“An ordinance to amend the Ceylon Savings Bank Ordinance 1859.”

#### PAPERS.

The Hon. the COLONIAL SECRETARY:—I also beg leave, sir, to lay on the table the following papers:—Administration Reports—Meteorology, Colombo Municipality, and Kandy Municipality. Sessional papers—27 of 1892: Warrants against Road Ordinance defaulters. 28 of 1892: Report of the Commissioners appointed to consider the provision of the Joint Stock Companies Ordinance 1861. Return to an order by the Legislative Council connected with flood outlets.

#### IMPROVEMENT OF THE COUNCIL CHAMBER.

The Hon. J. J. GRINLINTON:—Sir, I beg to give notice that I shall move at the next sitting of Council that a Committee be appointed to consider and report on the best means of improving the Legislative Council Chamber, and providing suitable lobby and retiring accommodation.

#### THE SALE OF PADDY LANDS.

The Hon. L. H. KELLY:—Sir, I beg to give notice that at a future meeting of Council I shall move for particulars of the sale of certain paddy lands in 1887 or 1888 the joint property of Kohokumbura Abesundara Banda (registrar of marriages of Kandukara), Kohokumbure Loku Banda, Meddama Banda, Suda Banda, and Muttu Banda of Undagama called Kohokumburugama in Madagampattu in Welassa in extent about 10½ amunams. I ask for the fullest inquiry and report as to this matter—whether these lands were purchased by one David de Mell, a peace officer, at the sale at Badulla Kachcheri for about R20 due on them, and whether they were subsequently transferred by the said peace officer to the Korala of Madagampattu. I have stated that I shall ask for this at a future meeting because I think it is very likely that the Hon. the Colonial Secretary would like a little longer time than the next meeting of Council.

#### TRANSLATIONS OF ORDINANCES FOR NATIVE HEADMEN.

The Hon. T. B. PANABOKKE moved:—“That it is desirable that Government should provide the Native Headmen with translations of such Ordinances or extracts of them as impose upon them duties in their official capacity as Headmen.” He said, Sir, I do not think it is necessary for me to say much in commending the motion that is in my name to Your Excellency and the hon. members of this Council. It is not a new subject altogether. I think it has been brought before this Council more than once, and the Government, I think, has always agreed in seeing the justice of the request and has promised that the matter shall be attended to. Now I do not mean to say that Government has not paid any attention to fulfil its promise, but at the same time I do not think that any systematic attempt has been made to supply the want. What

I now ask Government is that there should be some system adopted whereby this much-felt want would be supplied. For instance, Government I think issued to headmen some of the Ordinances translated into Sinhalese—and also, I think, a sort of compendium compiled by Mr. Lee, was printed by Government and was sold or in some way distributed. Now, that compendium was, I think, a very good book, and supplied to a great extent this want. However, it is now out of date, and is, in fact, of no use, or next to no use, not being kept up with the times. The matter has, I think, been lying in abeyance and I now beg that a more systematic mode of supplying the headmen with these ordinances may be adopted especially so in view of the amalgamation of the regular police and the rural police. These headmen, sir, are the first to be on the scene of a crime, and they are expected to collect legal evidence, and any opportunity that may be let slip by them would be detrimental to the interests of justice, and if they did not understand what their duty is it would be impossible for them to perform it in a satisfactory manner. A headman, for instance, when an offence is committed, goes to apprehend the man, and he is expected to search the house. Now a headman who did not know his duty is not likely to pay that minute attention which would be required of him to produce all the evidence that it is necessary to bring home guilt to the guilty party. Now, for instance, there is such a thing, I believe, as real evidence. Unless the headman who went to the scene knew the value of such evidence he would not be able to collect it;—the gun in the case of a shooting or the knife in a case of stabbing, and in a case of poisoning, for instance, any drugs which may be found either in the possession of the accused person or in his house would be of very great use. If the Ordinance do not teach all this I think there ought to be a sort of instruction compiled either by the department of the Crown Law Officers or by some responsible persons, to guide them in the investigation of these matters. I would, sir, go further, and would also suggest that the fundamental rules for evidence may also form a part of these instructions. If a headman did not know what was evidence and what was not evidence I am afraid he would not be able to assist in the course of justice. I do not mean to say that all our headmen should become great lawyers, or that they should be able to master all the niceties of legal evidence, but it would be essential for them to know what is evidence and what is not evidence, and these principles, I think, could be compressed into a few rules. For instance, as to what is hearsay evidence, and what is direct evidence, sometimes hearsay evidence has been found of value but if he did not know the value of such evidence and under what circumstance to set value upon it, the chances of its being brought before the Court would be lost. If a man made a confession and the officer who conducted the prosecution did not know what value was to be attached to such evidence it would not go for much. I think there are a great many other points which require elucidation. For instance, the use of handcuffs—a matter that has been brought prominently before the public of late—when handcuffs are to be used and when not to be used—what discretion a man has to exercise as to what treatment should be accorded to a prisoner when taken into custody, and how confessions should be taken. In connection with this matter, sir, I may be permitted to give an instance in which a deputy coroner at the close of his investigation deliberately wrote down to say



what means be employed to extort a confession. He went to the length—it is impossible to believe—to state that he first assaulted the prisoner, and then tied him up, and, to crown all, as a climax he burned him, and thus extorted a confession. Your Excellency and the members of this Council will guess what the result of the case was—the accused was acquitted, and the officer was tried before the Supreme Court and dismissed from office. This, perhaps, may be a very solitary instance, but I bring it to Your Excellency's notice to show how great is the want of instruction for these headmen. Now, for instance, the offence of unlawful gaming is a matter which puzzles a great many magistrates—men who always deal with this sort of thing. From the decisions of the Supreme Court we always see how many guilty persons have been acquitted or how many innocent people have been arrested and brought to Court and made to go through a trial. I have seen headmen bringing up large numbers of people as vagrants, but when the evidence is given we see that they did not come within the pale of the law. These, sir, are offences which occur every day, and where the headmen are expected to take action. I might multiply, I might almost say *ad infinitum*, the number of such instances, but I think these examples will suffice to illustrate my position. A short treatise like the book which I have seen among policemen, compiled by the late head of the department, or some such remedy, I think ought to be supplied at once, and the cost, I am sure, will always be compensated for by the benefits that will result. With these few remarks I would move "that it is desirable that Government should provide the Native Headmen with translations of such Ordinances, or extracts of them, as impose upon them duties in their official capacity as headmen." Perhaps, when I went into the discussion of certain fundamental rules of evidence I traversed beyond the scope of my motion; however, my object was to show what was necessary. It is not only some translation of the ordinances or of extracts from them but something that the people can understand and act upon. Some translations of these ordinances—not through any fault of the translator are so technical that they are not always intelligible to the common people, and if you will give a remedy in the direction I pointed out it will be a most desirable thing, and I hope it will commend itself to your Excellency and to the Council.

The Hon. Mr. GRIDLINTON.—I beg to second that.

The Hon. the COLONIAL SECRETARY:—Sir, with respect to the resolution in the precise terms in which it has been moved by the hon member there can be no disagreement whatever. Indeed I may say that the resolution has been anticipated by the action of Government. (Applause.) It has always been understood that ordinances have been supplied to the native headmen and I may say that had it ever been necessary to give assistance in supplying them that assistance would have been most readily and without question given them; but it was found that there was some doubt about the pursuit of that practice and more than a year ago a circular was issued to Government Agents requesting them to issue to headmen all Ordinances under which they may be required to act and they were enjoined to take care that they were supplied from time to time. It has since been found that it was necessary to reprint a great number of the ordinances and to translate them into the two languages—Sinhalese and Tamil—and I may say that though a year has passed that work has not yet been

completed. I was myself a little astonished that it should not have been done by this time, but my assistant, who has given special attention to the subject assures me that there has no been unnecessary delay, and I may mention that in one of the lists furnished there are as many as between 70 and 80 ordinances. These include the Criminal Code and the Criminal Procedure Code. The translation of these ordinances naturally took up some time, and with regard to the printing I am assured that no blame can lie at the door of the printer who always discharges his work in a very efficient and prompt manner. That, sir, is with regard to the terms of the resolution of the hon. gentleman, but in speaking to it I think that hon. gentleman has gone beyond these terms and rather proposed that we should supply the headmen with treatises or manuals of law. On that subject I think perhaps there would be a difference of opinion, and the view held that headmen might in that way be taken a little beyond their depth. I would enquire whether the brutality and misconduct to which the hon. member has referred—and no one has more experience of this subject than the hon. gentleman—whether they are done so much to the absence of instructions as to what I may call wilful misconduct on the part of the headmen. I must say, sir, that I think that being in possession of any amount of instructions, ordinances or manuals would not interfere with their intention. I hope, sir, that I have satisfied the hon. member and the Council that it is quite the policy and intention of the Government to arrive at the object of the resolution.

The Hon. T. B. PANABOKKE expressed himself satisfied with the explanation.

#### OFFICIAL SUPPLIES: CUSTOMS DUTY.

The Hon. the AUDITOR-GENERAL:—Sir, I beg to move the first reading of "An Ordinance to exempt from Customs Duty official supplies consigned to certain Consular Officers of Foreign Countries." He said: Certain countries allow to the British Consuls stationed in those countries the privilege of importing free of the Customs duties of those countries commodities necessary or usually necessary for the Consul's household, and it is only right that where those countries afford such facilities to the British Consuls that reciprocally we should afford like facilities to the Consuls of other countries. America I may state is one instance and Turkey is another. In both America and Turkey facilities are allowed to English Consuls, and if this bill is carried similar provision will be allowed in Ceylon to the Consuls of these two powers. The bill is an exceedingly short one, and the scope and object of it are sufficiently explained by the title. The first clause proclaims the exemption and the second describes the proper formalities to be observed for the obtaining of the exemption. I move that the bill be now read the first time.

The Hon. the COLONIAL SECRETARY seconded. Agreed.

The Hon. the AUDITOR-GENERAL then intimated that he would move the second reading at next meeting of Council.

#### POSTAL AND TELEGRAPH COMMUNICATIONS.

The Hon. the COLONIAL SECRETARY:—Sir, before moving that the report of the law officers of the Crown be read on the third reading of "An Ordinance to amend and consolidate the Law relating to Postal and Telegraph Communications"



I beg to move that the bill be recommitted for the purpose of making three small amendments on the wording of the bill.

The Hon. the TREASURER seconded. Agreed.

In Committee the following alterations were made on the motion of the hon. the Auditor-General:—In clause 71 the words "or the principal" were omitted; in clause 72 the same words were omitted; and in clause 85 "are required by law to be taken out" were substituted for "will be taken out of the property, goods and chattels of such depositor."

The Council having resumed,

The Hon. the AUDITOR-GENERAL moved that the report of the law officer of the Crown be read.

This having been done,

The Hon. the AUDITOR-GENERAL moved that the bill be read a third time and passed.

The Hon. the Acting TREASURER seconded. Agreed.

#### MERCHANDISE MARKS.

The Hon. the Acting COLONIAL SECRETARY:—Sir, in the absence of the Hon. the Attorney-General which I regret to say is in consequence of illness I beg to bring up report of the law officers of the Crown on "An Ordinance to amend the Merchandise Marks Ordinance 1888" and moved that it be read.

This was done, and on his motion being seconded by the Hon. the AUDITOR-GENERAL the bill was read a third time and passed.

#### AN EXPORT DUTY ON TEA.

The report of the law officers of the Crown having been read the Hon. the COLONIAL SECRETARY moved that "An Ordinance to levy an Export Duty on Tea" be read a third time and passed.

The Hon. the AUDITOR-GENERAL seconded. Agreed.

#### THE RATES ON REAL PROPERTY IN COLOMBO.

The Hon. J. J. GRINLINTON was about to resume the adjourned debate on the second reading of "An Ordinance to remove doubts as to the purposes towards which the rates on real property may be applied by the Municipal Council of Colombo" when

The Hon. the Acting COLONIAL SECRETARY rose and said:—Sir, before the hon. gentleman who is rightly in possession of the house addresses the Council I would like to mention that this bill is in charge of the Attorney-General, and partly because the hon. gentleman is not present today and partly because he has got some points in this bill under his consideration, I would propose with the permission of the hon. member whose privilege it is to speak that the further consideration of this bill be adjourned.

The Hon. J. J. GRINLINTON:—I have pleasure in concurring.

#### THE ADJOURNMENT.

On the motion of the hon. the Colonial Secretary Council adjourned at 3 o'clock till Wednesday next at half past 2 o'clock.

At the request of the hon. the Colonial Secretary the members of the Supply Committee remained behind.

### WEDNESDAY, NOVEMBER 2, 1892.

*Present.*—His Excellency Sir Arthur Elibank Havelock, K.C.M.G., the Governor, who occupied the chair; the Hons. Sir E. N. Walker, K.C.M.G., Colonial Secretary; Lieut.-Col. Churchill, Acting Commander of the Forces; C. P. Layard, Acting Attorney-General; J. A. Swettenham, C.M.G., Auditor-General; A. R. Dawson, Government Agent for the Western

Province; G. S. Williams, Acting Treasurer; Colonel F. O. H. Clarke, C.M.G., Surveyor-General; P. A. Templer, Government Agent for the Central Province; R. Reid, Acting Principal Collector of Customs; J. J. Grinlinton, General European representative; P. Ramanathan, C.M.G., Tamil representative; Dr. P. D. Anthonisz, C.M.G., Burgher representative; W. W. Mitchell, Mercantile representative; M. O. Abdul Rahiman, Muhammadan representative; also Mr. L. H. Crawford, Clerk of the Council.

*Absentees.*—Hons. A. de A. Senaviratne, Sinhalese representative; L. H. Kelly, Planting representative; and T. B. Panabokke, Kandyan representative.

The Minutes of the previous meeting were read and confirmed.

#### TEMPORARY APPOINTMENTS.

His Excellency the Governor said:—I have to announce to the Council that Major-General Massy, general officer commanding the troops, having left the colony on leave of absence, Lieut.-Col. Churchill, as senior officer, has taken command of the troops in Ceylon. Col. Churchill is present and will take the usual oath on taking his seat in Council. I have also to inform the Council that I have appointed Mr. C. P. Layard to act as Attorney-General provisionally until Her Majesty's pleasure in regard to that appointment be known. Mr. Layard will also take the usual oath and his seat in Council.

#### THE LATE ATTORNEY-GENERAL.

The Hon. the COLONIAL SECRETARY then said:—Sir, as was intimated to the unofficial members of Council, it was the intention partly owing to the illness of the late Attorney-General and partly on account of the limited amount of business ready, to meet today only for the purpose of adjourning to the next ordinary day of meeting when it was trusted that our colleague would be able to take part in the public business. But, sir, it has been ordained otherwise, and we are now deploring the great loss which the whole community has sustained in his sad and sudden death two days ago. The Council, sir, in these circumstances would assuredly not wish to meet without first expressing the absorbing feeling of its regret and sympathy in this sad occurrence. I will therefore, sir, ask permission to move the resolution which has been put in the hands of members since they came to the table today. Your Excellency has already placed on public record the high esteem in which the Attorney-General was held by the Government. The expressions and demeanour of every member of the community in the last two days have testified fully to the affection and regard which was felt for the late Sir Samuel Grenier, not only in his professional and official position but also in all his social and domestic relations. I am sure I may say, sir, that nowhere did his great ability and his characteristic considerateness shine more than in this Chamber. The high tributes which have been paid to his memory are not one of them overstated. It was my privilege, sir, to be associated with the late Sir Samuel Grenier in very intimate terms during the past five years, and on the numerous occasions we have had for discussion and difference of opinion I cannot remember one single expression which could give any cause for the disturbance of the harmonious relations that existed between us. Outside of his strict official sphere he gave me very great assistance and showed me much kindness, and I shall always regard him as one of the best and closest personal friends I have had in this colony. Sir Samuel Grenier received great honours from the Queen and from everyone in the community down to the



humblest; but I may perhaps be permitted, at the risk of being charged with a breach of confidence which I feel sure in the circumstances will be excused, to mention an incident which happened to come within my knowledge, and which I think may afford some comfort to those attached to our friend. In an interview which I had with the late Secretary of State on the immediate eve of his retirement from office, I was much gratified by the very warm terms in which Lord Knutsford spoke in recognition of Sir Samuel Grenier's merits and services, and his lordship led me to understand that had the opportunity been afforded to him there would have been for our friend the offer of still further office than that which he recently so ably and efficiently held. I beg leave, sir, to move. "That the Members of the Legislative Council of Ceylon desire to record their deep feeling of regret at the death of Sir Samuel Grenier, Attorney-General of the Island, and Member of this Council for seven years, after an already long and useful public life, their appreciation of the qualities of heart and mind which he so eminently and so largely possessed and practised in this Chamber and in all his relations of life, as well as their sense of the loss which they, in common with the whole community, have sustained by this sad event. That they offer to Lady Grenier and the family of their deceased colleague their sincere condolence in the calamity and sorrow which have fallen on them with such special severity."

The Hon P. RAMANATHAN said:—If falls to me, sir, as the senior unofficial member, to second the motion which his Honour the Lieut.-Governor has so feelingly commended to the attention of hon'ble members. I can only echo his sentiments and say that his services to this Council and to the country generally have been of the most valuable description. Born and bred in this country, he had an intimate knowledge of the customs and practices of all the races which inhabited the island. He knew also the aims and resources of the leaders and lieutenants of each of those races in almost every centre of population, and was moreover familiar with the connecting valves through which opinion and power were transmitted from one point to another. He was therefore able, in a degree not to be excelled by others, to gauge fairly the wishes and wants of the peoples, and to estimate nicely the amount of opposition which he might have to meet in the prosecution of the measures recommended by him. He was therefore known to be a tower of strength to the Government, and a caution indeed to its opposition, whether in or out of Council. What then, sir, shall we say of him, when in addition to such invaluable local knowledge he possessed, as he did in abundance, that cool judgment, that elastic temper, that far-seeing intelligence, that capacity for work and attention to details and that indomitable energy, which are absolutely necessary for effective generalship in any walk of life. His talents were not these only. His knowledge of the law was deep and his powers of statement and debate were high. When such qualities were found to thrive on a foundation of kindness, conciliation and integrity, it is no wonder that his claims to the esteem and even affection of the sovereign and the people were held to be irresistible. I am sure, sir, that my hon. friends on this board will all admit that the sad event which we are deploring today, publicly and officially, is one of the greatest losses which have befallen the Council, and therefore the country. If our loss is so great, measured by our knowledge of his mental and moral qualities formed mainly in the course of business relations, how great must be the loss of Lady Grenier and her family? It is

not for me to intrude on their grief. It is only becoming, sir, that, sitting as we are in session, we should tender to Lady Grenier and her family our heartfelt condolence with them, and that we should place on record the eminent services which he has rendered to the Government and the country generally.

The Hon. Col. CHURCHILL said:—Sir, His Excellency, the Major-General having been compelled to proceed on leave of absence before the meeting of this Council has desired me to ask Your Excellency's permission and that of the members of the Legislative Council to read the following remarks which he would have desired to make had he been able:—"I am sorry that my enforced absence from Council will prevent my joining personally in the tribute being paid to the memory of our esteemed friend and colleague, the late Hon'ble Sir Samuel Grenier. I have not had the advantage of his acquaintance for so long a time as most of the members of this Council, but I have known him and have been associated with him quite long enough to feel his death most keenly as that of a warm personal friend, and to realize how great his loss will be to the Government and the Colony which he has so ably served and to this Council of which he has been so valued and useful a member. His transparent honesty of purpose; his straightforward rectitude; his tact, judgment, and good temper; his kindly disposition and his conscientious devotion to duty, form a combination of qualities which are rarely united in any one man, and which make Sir Samuel Grenier's loss almost irreparable. He has been cut off by the inscrutable decree of Providence at a comparatively early age, and with apparently many years of useful work still before him, and with the prospect of even higher honours within his grasp than those previously attained to. But he has lived long enough to establish a reputation of which any man might well be proud, and he leaves behind him an example well worthy of the imitation of his fellow subjects of all races and creeds. Judging by our own sad feelings we can fully realise what must be the sorrow of his family and of his relatives, but I trust it may be somewhat assuaged by the knowledge that it is shared to the fullest extent by all classes in this Colony, and that the deepest and most heartfelt sympathy is universally felt for those who have been so suddenly and so unexpectedly plunged into such bitter grief.

HIS EXCELLENCY THE GOVERNOR:—Hon. gentlemen,—Before putting the resolution to the Council, I wish to state my own deep sense of the loss we have sustained in the untimely death of Sir Samuel Grenier. The community of Ceylon has lost one of the best men it has ever produced. This Council has lost one of its ablest and most eminent members. The Government have been deprived of the services of a trusted adviser, whose clear judgment, great experience, and profound knowledge of and sympathy with the people and institutions of this country, gave to his counsels and opinions inestimable value and weight. Personally, I have lost a loyal friend, with whom, intercourse both official and private, was ever a pleasure to me.

The resolution was then adopted.

#### THE ADJOURNMENT.

The Hon. the COLONIAL SECRETARY:—I now beg, sir, to move that Council do now adjourn till Wednesday next, at half-past 2 o'clock.

Agreed.

Council adjourned shortly before 3 o'clock.



WEDNESDAY, NOVEMBER 9, 1892.

*Present*:—His Excellency the Governor in the chair; the Hons. Lieut.-Colonel Churchill, Acting Officer Commanding the Troops; Sir E. Noel Walker, Colonial Secretary; C. P. Layard, Acting Attorney-General; J. A. Swettenham, Auditor General; G. S. Williams, Acting Treasurer; A. R. Dawson, Government Agent, W.P.; P. A. Templer, Government Agent C.P.; F. C. H. Clarke, Surveyor-General; R. Reid, Acting Principal Collector of Customs; P. Ramanathan, Tamil representative; P. D. Anthonisz, Burgher representative; W. W. Mitchell, Mercantile representative; J. J. Grinlinton, General European representative; M. C. Abdul Rahiman, Muhammadan representative; T. B. Panabokka, Kandyan representative; and H. L. Crawford, Clerk to the Council.

The Hon. L. H. Kelly was not in his place when the proceeding began; but arrived later.

IMPORTANT QUESTION REGARDING THE SUCCESSION DUTIES ORDINANCE.

The Hon. A. DE A. SENEVIRATNE:—Sir, I beg to give notice that at the next meeting of the Council I shall ask whether it is the intention of the Government to go on with the Ordinance for imposing succession and legacy duties and increasing the duties on certain deeds of gift or settlement during the present session. Perhaps, on behalf of the Government, the Hon. the Lieut.-Governor may be able to give me an answer now, but I give the formal notice of question.

The Hon. the LIEUTENANT-GOVERNOR:—I understand, sir, that the hon. member wishes to give me an opportunity to reply at once, were I in a position to do so. If he will give me an opportunity to refer to the papers, I may be able to do so before the Council rises.

THE SUGGESTED IMPROVEMENT OF THE COUNCIL CHAMBER.

The Hon. J. J. GRINLINTON:—Sir, I beg to bring forward the motion standing in my name, as follows:—"That a Committee be appointed to consider and report on the best means of improving the Legislative Council Chamber, and providing suitable lobby and retiring accommodation." It is some three years now since there was in this Chamber—I will not say a discussion—but this matter was brought up and there certainly was an informal discussion on the subject outside the Council. Complaints were made by the reporters—I think very justly—that they were unable to hear several of the members at the table. I can readily understand their position, for I myself frequently have had a difficulty in hearing members when speaking from the other side of the House. The room is, without doubt, unsuited for the purpose. It is not lofty enough, nor yet of sufficient width and the position of the members round the table and of the reporters might be changed with very great advantage. I have thought seriously over the matter and cannot see my way to propose suitable alterations in the Council Chamber itself, but I think the Chamber might be made more use of by being converted into a lobby and retiring and Committee rooms. We now have no place in which to sit in Committee except the Council Chamber, and I have seen two Committees sitting there at one time—one in the centre of the room and one in a corner. I think that Ceylon, as the first Crown Colony, ought to be able to afford better accommodation for its Legislative assembly. I have been in many municipal assemblies in the last two years in America and also in some in England, and I have seen none that presented so bare an

appearance as this one both in its furniture and in the manner in which members are seated. It is not my desire, however, to propose an alteration in any system without being able to suggest an improvement. I may be right or I may be wrong; however, I will take the liberty of mentioning to the Council that I have considered the subject very carefully, and I believe that by placing the Council Chamber proper immediately over the roadway that fronts this building and in connection with the room we are now sitting in you will have as fine a Council Chamber as you can desire. All you have to do is to provide for a drive under the Council Chamber. You can easily stop the noise a few rupees' worth of bark thrown on the road will easily do duty and then you have the advantage of having a frontage over the beautiful garden. Some people have asked me "Are you going to spoil that garden?" I would be the last man in Ceylon to touch that garden, in consequence of Sir Arthur Gordon having been the Governor who placed it there. You would have a frontage to that garden, with light and air from the north and south, and I think you have the means there of really making a very handsome and suitable chamber; converting the place in which we are now sitting partly into a passage or lobby to reach the chamber, and the side wings into retiring rooms and Committee rooms. I need only ask Your Excellency to step into that place on the other side of that wall—(pointing to the tea room)—I do not know if Your Excellency has ever been there—and see the place where the members of this Council retire to have a cup of tea occasionally. There are packing cases and all manner of things strewed about, and certainly, in my opinion, it is not at all a suitable place. With these few words, sir, I propose my motion, and I do trust that Your Excellency will be pleased to grant its prayer in appointing a Committee to report on the subject, and that the Committee shall have full powers to report on any alterations or on any new design if it choose to do so.

The Hon. W. W. MITCHELL:—I beg to second the motion, sir, and in doing so I would remark that I think the hon. mover has made out a good case. The Chamber is admittedly not one suited to the requirements of the present day; in fact I think it is somewhat a shabby Council Chamber for the first Crown Colony to possess. The acoustic qualities of it are not of the highest order; the light is somewhat imperfect on a dark day; and as regards the coolness of it that punkah has been placed in a suitable position as far as Your Excellency and the Clerk of the Council are concerned, but the other members are as far removed from it as they can be. There is no suitable Committee room or Library, and, when Committees sit, the noise is often very great inasmuch as the passage adjoining is an open thoroughfare to other portions of the public offices. I think if a Committee was appointed, as has been proposed, they might devise a plan which would be much better adapted to our requirements than the present accommodation is, and if they do not adopt the suggestions thrown out by the mover something better might possibly be suggested. Very often at our meetings and at meetings of Committees the noise outside is very great; and I should be glad by-and-by, if possible, to practically close the road in front of the Council Chamber, but I presume that cannot well be done till further access is provided to the Customs premises—which I hope will not be long delayed—in the making of the new road which has been proposed from Chatham Street. If that were done, then this road could be largely dispensed with and we should



have that quiet which is very desirable at our deliberations.

The Hon. the LIEUTENANT-GOVERNOR:—As no other member seems inclined to speak, I may state on the part of the Government that there will naturally be no objection whatever to have a Committee of inquiry on the subject as the hon. gentleman, the mover of this motion, contemplates; but for my own part I feel that the motion casts a certain reflection on the Government for not having provided suitable accommodation, and, that being so, I feel that it is only right that I should say that often in times past I have, on representations made by members at different times, given considerable attention to the subject, and for my own part I have not only given attention to the representations of members of this House but to those made by the reporters—reporters who, I think, are no longer here,—and I have endeavored to remedy these grievances, such as they were. Regarding the acoustic properties of this room, though, sir, I feel perfectly certain that in this climate it is almost impossible to have a really cool room and to have a room with good acoustic properties. The two things are contrary to each other. (The Hon. J. J. Grinlinton shook his head.) The hon. member who moved the resolution shakes his head, but I am only repeating the opinion of those supposed to know something on the subject, and I am also speaking from experience in two other places of a similar description. Naturally the punkah is a difficulty. I know there are members at this table who will support me in that statement. With regard to the reporters, sir, I made a suggestion—it was not original but was one which was adopted in another colony and I saw the management work successfully—it was a very simple one, but the gentlemen to whom I suggested it were dissatisfied with the arrangement and I could not do anything else. Hon. members have spoken as if we had this room constantly so full of Committee men that we could not work or get on. I claim to having worked here on a good many committees, but on only one occasion have I known of a second Committee sitting at the same time, and then, sir, they did not even take the course which has been referred to. My difficulty, sir, with regard to the Select Committee is to get members into this room at all. I sometimes come here and occupy this room alone; and sometimes I am here only with some of my official friends. I mention all this, sir, more to give the assurance that there has not been a want of consideration for the convenience of the Council. At the same time I shall be very glad to consider the question again and to listen to any scheme the hon. member has in view in consequence of what he has seen in other countries.

The motion was then approved.

POSTPONED.

The Hon. L. H. KELLY had given notice that he would move:—

“For particulars of the sale of certain paddy lands in 1887 or 1888, the joint property of Kohokumbura Abesundara Bandar (Registrar of Marriages of Kandukafa), Kohokumbura Loku Banda, Medduma Banda, Suda Banda, and Mutu Banda, of Nindagama, called Kohokumburagama, in Medagam Pattu in Wellassa, in extent about ½ amunams, and to ask for the fullest inquiry and report in this matter: whether these lands were purchased by one David de Mell, a Peace Officer, at the sale at the Badulla Kacheri, for about R20, that is, about a rupee or two over the tax of R18.25, due on them, and whether they were subsequently transferred by the said Peace Officer to the Korala of Medagam pattu.”

When the time came, however, the hon. member was not in his place, so the Council passed on to next business.

PROPOSED REDUCTION OF THE ROAD TAX.

The Hon. P. D. ANTHONISZ rose to move the following motion of which he had given notice:—

“(1) That the road tax be reduced to one rupee per head throughout the island. (2) That Tamil coolies and other migrating labourers, &c., pay one rupee per head as road tax. (3) That the tax be collected as a civil debt to Government from defaulters, who are at present dealt with as criminal offenders.”

In doing so he said:—The road tax when it was levied, if I am correctly informed, was 2s per head (the value of the rupee at that time being equal to two shillings). At present it has been raised to R1 and 50 cents and in this city to R2. Collecting the road tax was a difficulty, and in order to facilitate the collection measures were adopted which could not be considered satisfactory. The labourers of the country are the class of people who suffer most from this tax. The village country labourer who lives on his day's earning of 25 cents, which is all he has to feed himself and family when he has to give six days' labour he must make provision for his family while he is at work on the roads. Besides giving his labour he has to work for the village (the Gansabawa) for one or two days. In all he has to give eight days' labour and at the same time find food for himself and family. The capitalist, the merchant, the trader, the professional men and others well-to-do only give a fraction of their day's earnings. At times he is expected to repair and make roads away from his village, on which he seldom walks. The collection of the tax is done in such a way as to prevent persons paying the tax, and not to assist a poor man so to do. If the sum of R1 and 50 cents is not paid within a limited time it is doubled (R3) and soon after raised again, so as to make it impossible for a village labourer, who could hardly pay the R1 and 50 cents, to pay it. The consequence of this is to serve him with a warrant and to imprison him as a criminal. Surely if ever it was intended that this tax should be paid by the village labourer these provisions would not have been made. It seems to me that these measures were introduced with a view to secure more labour from the labourer than he was bound to give, and therefore the tax was raised and the number of working days increased. No one would ever think of increasing a debt which is found difficult to pay, nor take a person from a village and cast him into prison in a town if he is expected to work on a road near his village. This is a matter for Your Excellency's consideration. Direct taxes should be made as little oppressive as possible and every facility should be given for their payment. As it is optional to work on the roads or to pay, let it also be optional to work and pay at the same time. Let the village labourer pay what he could and find the rest in labour. If the one rupee be the fixed rate he may pay 25 cents and give three days' labour, or pay 75 cents and give one day's labour, or pay 50 cents and give two days' labour according to his means. This would be a great help to a village labourer who has work to do in the village and to find food for himself and family. What is there to prevent a village labourer sending a substitute for the road work. If a man has sons just under the age to commute he may be allowed to send two of his sons to work for him on the roads and the father stay at home to find food for the family. Why should not a man be allowed to supply materials for a



road in the way of gravel or broken metal, the quantity equal to the value of the tax. Also why should he not be allowed to give the use of his cattle or a pair of oxen to draw the roller for a day or two. This, I hear, is done in other parts of the world where people are expected to work on the road. If I rightly understand this ordinance is sometimes abused by those who are unable to pay the R1 and 50 cents and wish to avoid becoming a defaulter, and could not afford to give six days' labour. After promising to labour, when sent to work with a gang of coolies, say about twenty, ten men would come forward and say to the overseer, we wish you would let us go, here is 25c. or 50c. for each of us. The overseer pockets the money and the ten men left may be expected to do the work of twenty men if they do. To show how hard this ordinance presses on a poor man; I was told that a poor man was taken up on a warrant for not paying his tax and that if he paid the double rate he would be released. The man's wife, who lived by baking rice-cakes for villagers, went begging for the 3 rupees, and when she got this sum she took it for his release from gaol; when she was told that she was too late and that unless she brought ten rupees her husband must remain in confinement. The Tamil emigrant or migrating labourer should not be exempted from the road tax. If the labourer of the country has to work on the roads or pay the road tax what right has the Tamil labourer to be exempted from it, who comes into the island to find work and after his work is over he returns to India to spend his savings there? The reason which may be urged in his favour is that to tax him like this is to interfere with immigration, and thereby give a check to our tea industry—or that a tax of this kind would be considered a head or a capitation tax to collect it as he lands—neither would be the case. When the coffee enterprise was at its height Tamil labourers flocked into the island, but when the coffee died out few labourers came, shewing that their arrival depended on the amount of work they could get to do. If they have work in their own country to pay them so well as in Ceylon they would not come. Little work, few arrivals. Owing to the success of the tea enterprise the number of arrivals has increased, and I find from one of the local papers the following:—"In 1891 the arrivals of coolies rose from 84,000 in the previous year to 103,000, while this year the number will be higher still, probably 120,000 at least." The Customs return states that "since the commencement of the year—arrivals 93,414" of these the number of men was 67,905. From these figures it is evident that reducing the road tax to one rupee and making the immigrant and immigrating labourer pay it would cause no loss to the revenue. This tax could not be considered a capitation tax so long as the labourer is allowed to work for four days on the road and receive his rupee back before returning to his home. The collection for this tax would be no extra expense to the Government as it would be collected at the port of arrival by the Customs officers. Every gang of coolies has its kangani, and every kangani who bring coolies belongs to an estate, and every estate has its agents and consequently the payment could easily be made. Coolies who come on their own account would be few, and the payment in their case should be made by the master of the ship, as he has no right to bring paupers and pauper aliens into the country; and it is not likely that any master of a vessel would bring Tamil coolies free from any port to Ceylon. Making the non-payment of a debt to

Government a criminal offence is, to say the least, not at all desirable. I find that more than a quarter million of warrants were issued to defaulters from 1885 to 1892 (476,314) in a population of nearly three millions. At the most the individual debt to Government is worth, according to current exchange, little more than 1s 6d. For a sum of little more than 1s 6d in English money to have a warrant served on one of Her Majesty's subjects, and to have him brought from his village to town handcuffed, cast him in gaol, made to wear prison clothes and put to hard labour, breaking stones like a hardened criminal, is anything but just and equitable in this civilized age. And, moreover, when imprisonment of this kind has caused death to the person imprisoned, and starvation and death to a family, it is needless for me to say that the matter requires a speedy remedy.

The Hon. T. B. PANABOKKE:—I have been asked to second this motion of my hon. friend, and I do so with pleasure, although I am not quite prepared to support all the details as stated in his motion. I once expressed my views on this question at some length here, and so I will now merely second the motion with the object of eliciting the views of the Government on this vexed question. I have no doubt certain matters have come before the notice of the Government of late whereby the Government would be in a position to be able to say whether they intend taking any steps in the matter, or what remedy they intend applying. With these remarks I second the motion with pleasure.

The Hon. M. C. ABDUL RAHIMAN:—Sir, in supporting the motion I beg to state that I consider that the tax itself is unequal. If from a cooly six days' earnings are taken, and the cooly is earning 25 cents per day, the total amount taken from him is R1.50; but well-to-do people escape from this payment and are not contributing their six days' earnings. If every man contributed equal to his earnings then this tax would be a fair one; but this, it seems to me, only falls upon the poor people, and well-to-do people are escaping it. It is distinctly stated "six days' labor"—well then, without exception every man's six days' earnings must be paid; if not, abolish the tax altogether. Suppose a cooly is earning but 6d a day, his cost of living is very nearly 6d a day; but other people—I do not say special people who are earning from 1s. to £5 and upwards. Well, everyone ought to contribute according to his income; then this collection can be taken as a fair collection. A cooly may be earning only two or three pence a day, perhaps nothing at all remaining for himself, and this falls very hard on the poor people. Look at the number of the outstanding warrants, very nearly 70,000. The poor man suffers, and I do not think that the rich man does. The taxation must be according to the man's earnings and income. I think this old ordinance requires to be repealed, and when that is done I think my remarks may be taken to be useful ones.

The Hon. P. RAMANATHAN:—I do not know, sir, that I, for my part, ought to remain quiet today when a subject of such vast importance has been mooted by my hon. friend who represents the Burgher community, because when this same subject was attempted to be ventilated on a former occasion by my hon. friend who represents the Kandyans and the rest of the unofficial members of this Council held their tongues, it was said outside of this Council that they were very unpatriotic and that they did not support the philanthropic objects which my hon. friend who represents the Kandyans had in view. We had no opportunity of giving an explanation upon the subject then, and now



I, for my part, am afraid that the same objections might be raised if we did not give utterance to our views upon the question, but kept quiet. On the real merits of the poll tax I do not think any of us on this Board can be disagreed; but there are so many details mixed up with the principal issues of the question, that even a cursory review of them all would convince every right thinking person that this is one of the most complicated subjects that we could ever deal with, and from that point of view, sir, I think it is only fair that before an unofficial member of Council attempts to speak publicly on the question he should summon together his brother colleagues, put before them his views, and ask for their support (hear, hear) before attempting to move the Government. On the former occasion this was not done; on this present occasion it has not been done. If questions of such prime importance are to be discussed in a piecemeal fashion without bringing to bear upon the question all the views that may be expressed upon it *pro* and *con*, I think, sir, there can be only one conclusion arrived at, and that is that even a good subject may be dealt with in a very bad way. I may say, sir, that I have been in this Council during the last 14 years, and I cannot remember one instance where a matter of such importance as this was brought up for discussion in Council without the member who introduced the subject calling together his brother unofficials at a private meeting, and, now that I am about to retire from the Council, I only hope that the leader of the Unofficials, and indeed any member who wishes to discuss such subjects, will take into his confidence the other members so as to present a united front to the Government, and thus be able to win easily and successfully attain that object of their hearts. I, sir, am not going to express my views upon this subject today, and I leave it to my unofficial brothers who had not yet spoken to determine each for himself whether the subject is one that may be usefully considered by the members on this side of the house.

The Hon. W. W. MITCHELL:—Sir, the subject which has been brought forward today—and I may say sprung upon us in this way—is a very important one. Some people, it is said, when they get an inch they want an ell, and I think my hon. friend opposite (the hon. mover) brings himself under that category. He has got the repeal of the Paddy Tax, which is said to have lifted a great burden from the shoulders of the people, and now he wants more. I think, sir, that the removal (or the reduction rather) of the taxation under the Thoroughfares Ordinance would be a great mistake. In the report of the working of the Thoroughfares Ordinance, which was put into hands of members of Council a short time ago, I find that the Chairman of the Provincial Road Committee of the Western Province, who, it must be admitted, is possessed of large experience in connection with such Committees, says that “the Thoroughfares Ordinance continues to work in the province easily and smoothly, to the satisfaction of the Committees and to the great benefit of the people. Year by year the able-bodied villagers recognize more fully the advantage to themselves of the obligation which the law imposes upon them, and more readily, in consequence, do they discharge it, as the comparative statement of the last three years clearly testifies.” He says practically, I think, that there is no hardship under the Ordinance except that which is brought upon individuals themselves by their neglect to pay when called upon to do so or to give their labor for the equivalent of the taxation. We certainly can-

not legislate for individuals; but for the masses of the people. Then, as regards the amount of money available, and the requirements, I find that the Chairman of the Provincial Road Committee in the Eastern Province says that:—“The money at the disposal of the District Road Committee hardly enables it to keep existing roads in order; every year brings with it the want of increased means of communication, new lands are sold, and new roads required; but the means do not increase in the same ratio. The best is done, but more is required to be done.” In the face of that, to seek to reduce the amount of the tax would be folly. The further portion of the motion, which proposes Tamil coolies and other immigrant laborers should pay one rupee per head as tax is, I think, equally to be deprecated. It is most undesirable that we should seek to impose direct taxation of this kind on the Tamil laborers. The necessity for their exemption has been recognized long, long ago, and the necessity for doing all we can to foster immigration exists as strongly now as it did in times gone by, when the Thoroughfares Ordinance was just introduced; and I should repel most strongly any attempt to impose taxation of this kind on the Tamil immigrant, which might possibly be the means of driving him away instead of attracting him to the Island. I trust that the Government will not for a moment entertain the idea of granting the motion; but will leave well alone. (Hear, hear.)

The Hon. the AUDITOR-GENERAL:—Sir, I think it my duty to oppose this motion and oppose it very strongly. We all know what immense good has been produced in Ceylon by the working of the Road Ordinances passed from 1848 up to the present time. We have now a very good system of roads, and the only fault that is found with them at present is that there are urgent demands from places where as yet there is no series of roads or where more road accommodation is wanted. For both these reasons it is necessary that our means for improving and extending our roads should be augmented instead of decreased. The object of this motion is to decrease our means and not to increase them. I think, therefore, it is a step in the wrong direction. I ought to point out to the Council that there is, properly speaking, no road tax. There is a statutory obligation on every male to labour for six days in the year. These males are allowed, if they wish, to commute that obligation for an amount which varies in different parts of the island; and it is not fair that you should call that commutation payment a road tax. It is a commutation whereby they escape an obligation to labour. The first part of the motion is “that the road-tax be reduced to one rupee per head throughout the island.” In the course of the remarks made by the mover of the motion, one great objection he brought against the tax was its unfairness, because, he said, it exacted the same amount from the poor as it did from the persons who are rich. Now, it must be remembered that labour in some parts of the island is unquestionably far dearer than in others. In the Northern Province you can get labour for 17 cents a day; in others you have to pay 25 cents; in other places 33 cents, and in some places 50 cents and there are some places where you cannot get labour for under 75 cents a day. Now, if you reduce the commutation to an even rupee all round the island a man who can sell his labour for 75 cents a day would practically commute for the labour one and one-third day's earnings; whereas the man who sells his labour for 17 cents a day would commute for the full value of six days' labour. That would be a very unequal



contribution for the two persons. The rates of the tax, too, differ in various parts of the island, and a reduction of the tax would rather favour some of the richer districts and would press heavily on some of the poorer districts. The commutation at present paid in the several districts is as follows:—In the Western, Central, Southern, Eastern, Uva, North Western and North-Central Provinces R. 20; in the Northern and some parts of the Sabaragamuwa Province R. 1; so that practically if the motion be adopted it will bring no relief to the poorer section at all who already pay R. 1, but will give it to the richer, because comparatively better paid, coolies in Colombo, Badulla, Kandy, and Matara which would be a step in the wrong direction. Then the hon. member has said that the rupee used to be worth 2s, but was now worth less. Surely if that is any argument at all, it is one which goes to show that the commutation amount has become smaller instead of greater; and therefore that what the hon. member wishes to bring about has come about automatically. The second part of the motion is "that Tamil coolies and other migrating laborers, &c., pay one rupee per head as road tax." I say that we all know the immense good that has been done in this island by means of the labor which we agreed to import from the continent of India. We all know the great sacrifices made by the tax-paying people of this island for the purpose of obtaining that labour; we all know the magnificent system of promoting immigration for which we pay so much every year. Surely, when we are paying on the one hand such large sums to encourage immigration, it would be an exceedingly foolish policy for us to do anything to diminish it. It would be a great deal better and a great deal cheaper if the hon. member moved that we should delete from the estimates all amounts that refer to immigration. In point of justice, I think that there is a great deal to be said in favour of the existing state of things whereby these immigrant laborers are exempted. They only come here for a short time, with the natural object of bettering their condition, and then they go back to India. Persons of that kind ought not to be made to contribute to anything like the same degree as the inhabitants of Ceylon. Every road extension which is made benefits primarily, and in the greatest degree the landowners—the persons who own lands in the immediate vicinity of that road. None of these landowners are immigrant Tamil coolies, who have come here for the purpose of aiding on the estates. The improvement of these roads does not benefit them in the slightest degree—it benefits the landowners. There is hardly a native in the interior who is not in some degree a landowner or has not a beneficial interest in lands, and for that—if for no other—reason it is right the people should contribute to the maintenance of roads and the immigrants, who are here but a short time and gone, should be exempted from such contribution. I may add that the proposal to collect the tax from this immigrant population would be found to be almost impossible. A great point has been made of the large number of warrants outstanding. If to this number be added the number of warrants which may be issued for immigrant labourers, it can easily be seen what would happen. These persons are not known to the officers of the department; their names are barely known, and I think I speak well within the truth when I say that the number of these warrants would be doubled. It is exceedingly difficult to identify the men, and such unpopular and unfair taxation as the extension to the Tamil

coolies of the provisions of the Road Ordinance would render it practically impossible to collect the tax from the population. The hon. mover made a remarkable proposal when he said that nothing would be easier or simpler than to collect the tax from each cooly at the seaport where he landed. He would be rather amused if he tried it, or had a single day's experience of such an attempt to collect the money. The first cooly would say he had only come in for a week and the next one, would say he had come for 20 years. How much are you to collect from the first, and how much from the second? Then again, coolies generally have no money when they land, and the Government has had painful experience of a considerable number of coolies being detained at Paumben, unable to pay their way across until remittances came to them. How were they to pay when they landed? Say three years', five years', ten years', 20 years' payment would be the proper sum to collect: this would mean saddling an estate for some years to come with a road tax which would practically prohibit immigration, and you have only got to state the fact to show that such a proposal is entirely impracticable. The third branch of the motion is "that the tax be collected as a civil debt to Government from defaulters who are at present dealt with as criminal offenders." If I were inclined to propose an amendment to this I would propose that the commutation of the obligation to labour should be voluntary. I am quite sure it would be a suggestion that would suit the case just as well as the other. To collect taxes or any money due to the Government as a civil debt simply means burdening the revenue departments with all the trouble and the anxiety, besides instituting a large number of civil cases in Courts and troubling the legal department, and to attempt to serve writs and processes would have absolutely no useful result whatever; and if we began there would be 10 per cent of uncollected moneys the first year, 20 per cent the next year, and 30 per cent the next, until at last we should find hardly anyone to pay any sum whatever of the commutation. I think, sir, a great deal has been said about the inequality of this tax. It is said the rich pays as much as the poor. I wish to point out that that is not the case. Nominally, everyone pays the value of six day's labor on the roads, but any person possessed of wealth pays tolls. Two tolls per week are the equivalent of a year's commutation, and I have only to say that there is not a member of this Council who has not paid the value of months of labour in the way of tolls, and the same with everyone in Ceylon, and therefore the tax paid by the wealthy classes is very far in excess of the commutation tax. I think, sir, it would be a very great mistake for this colony if this motion were passed, and I hope the Council will reject it.

The Hon. J. J. GRINLINTON:—I do not think, sir, that I can give a silent vote on this subject, for it is one that has occupied a good deal of my attention and I have thought over it very seriously on two former occasions—one former occasion when it was ventilated here and another out of doors. In Europe we have the conscription in many countries, and there every able-bodied man between certain ages is obliged to give up his services to the country, not only for six days but for years. The only thing required in this colony is that a man will give his sinews, or the value of his sinews, for six days in the year to the State. Surely that is not a very heavy contribution! If you are not able to pay, you can work on the roads; and that is not a particularly great hardship; judging from my experience of the extent of the



work that many of these men do; and I am perfectly satisfied that many of the Government Agents (I cannot say all) who are judicious have given the pleas of defaulters great consideration when persons come up before them and give their reasons for being unequal to the task or unable to pay; and I think with such consideration extended by every agency throughout the country there ought to be no difficulty in getting the people to do their six days' labor or to contribute towards the State the small sum of money which is necessary as contribution in lieu of that labor. I know of some hardships and have heard of very great hardships—I heard some of them from my hon. friend today, but I think that very often hundreds are named when probably one real hardship exists and frequently we hear the same story over and over again. I have been 35 years in this island and I have seen very little hardship caused through the road tax; and I think along with my hon. friend the Auditor-General, who has just spoken, that the contribution required from the able-bodied men of the country is very slight indeed, and I should be extremely sorry to see the law altered to the extent my hon. friend has proposed. With regard to the Tamil cooly, his position is a different one from that of the man who lives here. That man has to be induced to come here. If the people of the country labour on estates, the case would be different. Some of them are now labouring on estates, but the need for immigration remains; and you have to induce the coolies to come. My hon. friend has said this money could be levied from the cooly as soon as he reaches here; but he arrives without a cumbly to his back and without a cent to his name. You could not get out of that man even a six-penny piece if you took him from one end of the town to the other. They have no money in their pockets, and I am glad to see them go away with savings because I know that each one that goes will induce 20 good Tamils to come here and work for the country. I, therefore, in giving my vote, feel it my duty to mention that I shall be obliged to oppose the motion.

The Hon. L. H. KELLY:—Sir, in opposing the motion which is before the Council now, I would point out one fact dealing more particularly with the second portion of my hon. friend's motion: it is with regard to immigrant labourers. The money that is spent for roads on the people of this country is generally provided entirely by Government, whereas the money which is spent in opening up the country for the class of men who employ the immigrant labourer is paid half by the proprietors who require such outlets. Under the grant-in-aid system, sir, these proprietors pay 50 per cent of the outlay and therefore they pay a very large share of what would otherwise be taken or asked for as road-tax; and they pay this, not only in the original making of the roads but also in the upkeep of all grant-in-aid roads. I think that perhaps the hon. member who has brought forward this resolution has lost sight of this fact and with regard to the collection of the tax on the coolies' arrival, it is simply absurd, as my hon. friend Mr. Grinlinton has just stated. It would be absolutely impossible to collect that tax. I believe I am not divulging any breach of confidence in stating that Your Excellency has very kindly entertained a view planters have long been wishing for—that is, some scheme to provide the necessary moneys which the coolies may require on their arrival in this island, and that has been brought about entirely by the planters accepting the necessity that has arisen for these people, who arrive from the Coast with absolutely nothing to bring them down the North Road. When they

go that length and say it is necessary to do something to assist them down the road, I think it is an absurdity to suggest for one moment that the minute a cooly sets his foot on this side of the channel he shall be taxed. I shall, therefore, having made these remarks, record my vote in opposition to the motion now before the Council.

The Hon. A. DE A. SENEVIRATNE:—I am sorry, sir, I cannot agree to vote for this motion; but there is one remark that fell from my hon. friend the last speaker, to which I must make reference, and that is the connection he tried to establish between the exemption of the Tamil labour from the tax and payments made by estates for the grant-in-aid roads. Now, whatever labor is employed on the estates, it makes not the slightest difference as regards the grant-in-aid roads. It is to benefit the proprietors of the estates that these roads are made; and whether they employ Tamil or country laborers it does not make the slightest difference, and there is not the slightest connection between the Tamil labourer and the grant-in-aid roads. I am sorry that I feel it my duty today to oppose the motion, for I am one of those who think that the Thoroughfares Ordinance requires amendment. It has been amended now several times; but I think it requires to be amended still further. The number of warrants outstanding alone shows that something is needed. The strictness with which warrants have to be issued by the Government Agents is a point on which it requires amendment. The Government Agent is bound to issue a warrant when the schedule shews that certain persons are in default, and there is no other course open to him—he must issue a warrant. I think it is very hard on a Government Agent that he should be obliged to strictly carry out such a provision. In that direction, too, I think the Thoroughfares Ordinance requires amendment. Then, as regards the ordinary laborer, it is said it is fair enough to expect him to give six days' labor when there are 365 days for him to work for himself and his family; but unfortunately there are many in this country who cannot provide for the coming day and cannot set aside sufficient to maintain their families while they are labouring six days on the road, therefore I think the Ordinance needs amendment also in the direction of providing a laborer with food while he is giving his labor on the roads. I trust Government will be able to tell us today whether it is intended to bring in an amendment to the Thoroughfares Ordinance in the direction I have indicated or in any other direction. (Applause.)

The Hon. the GOVERNMENT AGENT, W. P.:—When a labourer is doing work on the roads it is open to the Road Committee to provide him with food if they think it necessary to do so. The hon. gentleman who has just sat down has spoken of the hardships of issuing warrants promptly on the occurrence of certain events. Unless the warrant is issued promptly we should never get hold of the defaulter. It must be issued promptly. To serve a summons on him and try and catch him that way would not do at all. A man caught under this Ordinance is generally a scoundrel (laughter); and the only way is to deal with him quickly. The Hon. the Auditor-General answered the motion almost as fully as it could possibly be answered, but there are one or two points I wish to add to his remark under the first portion of the motion "that the road tax be reduced to one rupee per head throughout the island." The rate of commutation is fixed by proclamation and is so fixed from time to time. If it is too high in one part of the island let representation be made to that effect and let it be reduced.

H. E. the GOVERNOR:—Is there any minimum?



The Hon. the GOVERNMENT AGENT, W. P.:—I beg pardon, sir?

H. E. the GOVERNOR:—Is there any minimum?

The Hon. the GOVERNMENT AGENT, W. P.:—I cannot answer that question right off. But as I was saying the different figures have been fixed from time to time by the different notifications. There may be a minimum rate but I do not remember it. It is 20 cents in some of the poor parts of the island and it is not necessary for the Council to order that the rate should be R1—no more no less. As for the Tamil coolies, their friends have spoken on their behalf, and I would only add that to order out a man's coolies to work on a road 8 or 9 miles away would be a very grave fault. The third part of the motion is only going back to the old order of things. Under the old ordinance it was a civil debt, and it was in consequence of the large number of writs that were issued on persons in default and the large number of sales of huts and houses and paddy-fields, &c., that a commission was appointed and one of its principal recommendations was that the system of making this a civil debt should be abolished, and it was abolished by the Ordinance of 1884. To go back to the old order of things would be, I think, a step in the wrong direction. A good deal has been said about the hardship inflicted by the ordinance, but I can assure the Council that in a province like this it is no hardship. There is little or no trouble. Commutation is collected as easily as possible. We send very few to jail comparatively, considering the large population but we have a large number of people who are in a migratory condition. They go to Galle and travel all over the island, and the census showed us that a large proportion of the Western Province population is to be found in every other part of the island. That accounts for the comparatively large return of persons "unaccounted for," "not to be found," &c., at the end of each twelvemonth. (Here the ordinance was handed to the speaker.) In regard to the point you raised, sir, I see that the clause runs as follows: "It shall be lawful for any inhabitant to commute the performance of the whole of the labor due by him for any year by a money payment of three shillings for such year, or of such other sum not exceeding three shillings as the Governor with the advice of the Executive Council may from time to time appoint." So there is no minimum. There is a maximum but no minimum. The hon. gentleman who represented the Burghers suggested that a substitute might be provided in case a man was unable to attend work in consequence of domestic affliction or for other reason; but that would be unworkable. A substitute must be in money, and nothing else would work. He also complains that the amount of labor provided is too hard. That, again, is a mere detail. The Government cannot do more than direct the different Road Committees to provide any kind of labor which may be considered suitable for the district concerned. I think it almost a pity this subject has been brought before the Council because the failure of the unofficials to agree shows that it is not a subject for the serious consideration of the Government and it is merely adding a little fuel to what is at present a very small flame which, I hope, will be soon extinguished.

The Hon. the LIEUTENANT-GOVERNOR:—Sir, in the discussion which has taken place on this motion there has been certainly a considerable difference of opinion, and the balance of that opinion has been so much against the motion that it leaves me little to say in addition to what has been so forcibly said in reply by my

official and unofficial colleagues who have had so much longer experience of the colony than I have had. There are one or two general remarks, however, which I would ask permission to make. Complaint has been made of the harshness of this Ordinance and of the oppressiveness of it on the lower classes. I am sure I need only say—and I think I am correct in saying this—that this ordinance is a work of the late Governor, and that he gave very great consideration and attention to it, and that certainly Sir Arthur Gordon was not a person to whom any want of consideration for the lower classes could be attributed. (Applause.) This is one of those Ordinances, sir,—very excellent Ordinances—which often fail in their application partly because some people do not like them—and partly because others do not work there as they might. I am quite aware that Government Agents and their assistants have reported that there are difficulties in the way of redressing what they think would be grievances that should be remedied under the law. I may instance one short case. Under a section of the Ordinance of 1884—the 18th I think—the Chairman of the District Road Committee who is now the Government Agent or the Assistant Government Agent, has to satisfy himself when a man is brought up before him that the man is a defaulter. Now it has been stated that the Chairman has no power to let the man out on bail and require his appearance at some future time; but I maintain that the power which administrative officers have conferred on them with the loyalty and obedience with which all the lower classes respect and respond to every request that is made to them there would be no difficulty in securing the attendance of that man or of securing any information that is necessary. Perhaps, sir, it hardly requires my assurance that the Road Ordinance has been having the special attention of Government, and if it is found that legislative amendment is necessary in order to secure the ends that we have got in view I can certainly say that the Government will certainly apply to this Council for its assistance in amending the Ordinance. (Applause.) There is one remark which was made by my hon. friend, the Tamil representative, in alluding to his approaching separation from the Council. I would deprecate the remark in the spirit in which I understand it, but which I hope was not the spirit in which it was made. I thought the hon. member rather threw out the proposal that the unofficial members should constitute themselves as a sort of opposition to the Government. [The Hon. Mr. Ramanathan: "No, no."] Now, sir, I hope they will never do that. We are all equally counsellors here to join and give advice one to the other, and I deprecate—I do not make the remark solely in reference to hon. members, but I have done so in other colonies,—I always deprecate any statement or suggestion to the effect that the unofficials were constituted as an opposition to the Government.

The Hon. P. RAMANATHAN:—Allow me, sir, to make an explanation. I think the other day my hon. friend, the Government Agent of the Western Province, by way of chaff, spoke of the unofficials as the opposition to the Government; and then I pointed out to him that there was no party Government here and that we were all alike members of Her Majesty's Legislative Council and mutually interested in forwarding measures which the Government might bring forward or the other members bring up, and our duty was simply that of criticizing and examining anything that was introduced, and nothing more.

The Hon. Dr. ANTHONISZ replying on the motion was understood to say that he had heard the argu-



ments for and against the motion; and while one hon. member had said he had lived a long time in the country and seemed to know all about it, he begged to state that he (the speaker) was born in the country and knew that the ordinance was a hardship to the people. If it were not so he should not have made that motion, and he hoped that His Excellency would alter the law.

The House was then proceeding to a division, when The Hon. P. RAMANATHAN asked:—Is a division called for, sir? I do not think so.

H.E. the GOVERNOR:—It is usual to take a division I think.

Names were then taken, the division resulting in an almost unanimous negative vote as follows:—

Noes. (1). Ayes. (16).

The Hon. Dr. Anthonisz	The Hon. L. H. Kelly
	„ M. C. Abdul Rahiman
	„ T. B. Panabokke
	„ J. J. Grinlinton
	„ A. de A. Seneviratne
	„ W. W. Mitchell
	„ P. Ramanathan
	„ Collector of Customs
	„ Surveyor General
	„ Govt. Agent, W.P.
	„ „ C.P.
	„ Treasurer
	„ Auditor-General
	„ Attorney-General
	„ Colonial Secretary
	„ Major-General

H.E. the GOVERNOR:—The division has resulted as follows: For the motion 1; against 16. The motion is, therefore, lost.

MR. KELLY'S PADDY TAX MOTION.

The Hon. L. H. KELLY:—I must apologize, sir, for not being here in time to move the motion that stands in my name.

H. E. the GOVERNOR:—With the permission of the Council we will go back to it.

The Hon. L. H. KELLY:—I was going to ask permission to be allowed to bring it forward next Wednesday. I was not sure that I could catch the train, as I had business which kept me to the last moment, and if the Council will permit me I should like to move this motion on Wednesday next as I have not got the papers with me now, not knowing that I should be able to get here.

The permission asked for was given, and Council went on to the next business.

NEW TOLLS.

The Hon. the GOVERNMENT-AGENT, W. P.:—On the 28th of September last I gave notice that I would at a meeting of Council to be held within a month from that date make the motion that stands in my name, namely “that from and after January 1st, 1893, a toll be established at the junction of the Horawala-Pelwatta road with the Horawala-Alutgama road in the Kalutara District; payment at this toll to clear the Munamalwatta ferry toll and *vice versa*.” This is a new toll, sir, and the reason for establishing it is the only reason that can be fairly adduced for the existence of any toll, that is, want of funds. The minor road has been very much cut up by the heavy traffic to the plumbago pits and it is not within the means of the Provincial Road Committee to keep it in proper repair. I don't think there is any opposition to the toll. A month's notice has been given of this motion, and I have received no objection of any kind.

The Hon. the ATTORNEY GENERAL seconded.

The Hon. A. DE A. SENEVIRATNE:—With regard to this toll, sir, I do not really object to the

establishment of the toll but to the place at which it is proposed to establish it. It is to be at the junction to catch both roads; but I would point out that the Munamalwatta toll is only two miles away and the people living between the two toll stations will not be able to get from their village without payment of toll. If you have it on the Horawala road you will avoid this. If you put it at the junction you prevent them getting from their own village.

The Hon. Dr. ANTHONISZ:—Sir, I see there is to be a toll at Alutgama and I see from this paper today that we have a lot of tolls to make. I have on more than one occasion said that the levying of these tolls is objectionable. In all civilized parts of the world they are doing away with them and I cannot understand why we should have them here. At Alutgama there is a rail station and our object is to encourage railway traffic in every possible way; but when tolls are placed on these roads which are feeders on the railway they must interfere with the railway traffic of passengers and goods to Alutgama. Our railways give the largest revenue to Government and why should they not be encouraged? The revenue obtained from tolls, on roads and bridges, if I am right, is about R157,000; but the receipts from the railway are more than R5,000,000 and may soon be increased to R6,000,000. I think it very likely that the reason why tolls are being abolished in other countries is because they are a vexatious direct tax on passengers and goods traffic. It would be far better if a tax was got by increasing the licenses on carts and by putting a tax on wheels. Then the tax would only have to be paid once or twice a year when the license is renewed and not as now, every time one travels. The railway charges are a kind of indirect tax which everyone pays without hesitation. A railway is a comfort to passengers and secures safety in the transit of goods; but I object to the levying of these tolls.

The Hon. the GOVERNMENT AGENT W. P. with the permission of the Council I will alter the motion as I shall be pleased to accede to the request of the hon. gentleman who represents the maritime Sinhalese. The place at which a toll is to be collected is fixed by the Governor in Executive Council and if I may be permitted to alter the motion I will make it as follows:—“That from and after January 1st 1893 a toll be established on the Horawala-Alutgama road in the Kalutara district; payment at this toll to clear the Munamalwatta ferry and *vice versa*.”

The Hon. J. J. GRINLINTON:—May I ask, sir, how far that is from the railway station?

The Hon. the GOVERNMENT AGENT, W. P.:—About 10 miles from Alutgama Railway Station.

A division was taken resulting as follows:—

Ayes. (17). Noes. (1).

The Hon. L. H. Kelly	The Hon. Dr. Anthonisz
„ M. C. Abdul	
„ Rahaman	
„ T. B. Panabokka	
„ J. J. Grinlinton	
„ A. de A. Seneviratne	
„ W. W. Mitchell	
„ P. Ramanathan	
„ Collector of Customs	
„ Surveyor General	
„ Government Agent, W. P.	
„ „ C. P.	
„ Treasurer	
„ Auditor-General	
„ Attorney-General	
„ Colonial Secretary	
„ Major-General.	



The Hon. the GOVERNMENT AGENT W. P. moved that from the after January 1st 1893 a toll be established on the road from Negombo to Dunagaha at a place between the 6th and 7th mileposts on that road. He said: This is not a new toll but merely a transfer of the toll which is now taken about a mile along the road. It is at present collected between the 5th and 6th mileposts but a loop road has been carried through the adjoining land and carts go round the toll. Therefore it is proposed to move the toll to a point near the 7th mile where the two roads join, the actual place of collection to be fixed by Your Excellency in Executive Council. Due notice has been given of this alteration and I have received no objection from anybody.

The Hon. the ATTORNEY GENERAL seconded, and the motion was carried.

The Hon. the COLONIAL SECRETARY:—There stand in my name two resolutions for establishing two other tolls; but during the currency of the notice it was intended to make some inquiries respecting one, if not both, of these tolls. I find that somehow that inquiry has not been made; and I therefore ask permission to postpone this for another month until I have had time to make these inquiries.

This was granted.

#### THE NAVAL AND MILITARY FORCES AND CUSTOMS DUTIES.

The Hon. the AUDITOR-GENERAL:—I rise to move the first reading of "an Ordinance for exempting from Customs duty certain articles imported or purchased for the use of Her Majesty's Naval and Military Forces." The history of this Ordinance, sir, is briefly this. The Customs Ordinance No. 17 of 1869 section B. exempts from payment of Customs duties. "Regimental clothing, uniforms, necessaries, accoutrements and band instruments imported for the use of H. M. land and sea forces." Another Ordinance No. 12 of 1867 section 6, provides as follows: "All ale, beer and porter required for the use of the non-commissioned officers and rank and file of the European troops quartered in this colony shall henceforth be imported free." Another such Ordinance No. 5 of 1884 was passed to regulate the exemption from Customs duty of stores supplied for the use of H.M. forces in the colony. Since that Ordinance was passed the system of regimental canteens has extended and a great many articles are now brought in by means of the regimental canteens exclusively for the use of Her Majesty's troops in the colony. It was intended, I believe, by the Ordinance No. 5 of 1884 to give considerable privileges to Her Majesty's forces, but the wording of the Ordinance was not made to cover a remission of duty on articles imported for the use of the canteens though the arrangement had been sanctioned by the Government rather irregularly perhaps. The privilege has been allowed though not quite in conformity with the law, and it is the object of this Ordinance to give legislative sanction to all privileges which can be given to Her Majesty's forces in this colony in this direction. The first clause of the Ordinance exempts from payment of Customs duty "articles of every description imported or supplied by sea or inland carriage or navigation for the public use of Her Majesty's regular military and naval forces and all articles sold for the public use of Her Majesty's regular military and naval forces though not directly imported for that purpose." That, practically, sir, is taken from Ordinance No. 5 of 1886. The continuation of that clause enacts that all wines, spirits and stores which are imported or purchased or procured locally for the use of the Naval Commander-in-Chief when residing in the colony, or which are supplied from Her

Majesty's Dockyard at Trincomalee for the use of his servants and of the sailors on duty at his place of residence," are to be exempted. These words, sir, practically embody the practice that is obtaining throughout India and I may say that they practically make no concession as the Admiral need only obtain whatever article he desires through the naval yard at Trincomalee where it would be exempted already. The last paragraph relates to all "articles imported, purchased or procured for the use of any canteen of Her Majesty's regular military or naval forces in Ceylon." I have already explained that it has been customary since soon after Ordinance 5 of 1884 was passed to make this exemption. The second clause describes the manner in which exemptions or rebates should be obtained. The third clause abolishes Ordinance 5 of 1884. I think there will be no reluctance on the part of the Council to pass an Ordinance which confers no very important privilege, but which is one that would be highly valued by Her Majesty's forces stationed in this colony.

The Hon. the OFFICER COMMANDING THE TROOPS:—I beg to second the proposal that the troops shall receive the privilege of exemption from the Customs Duty, and I hope, if it is allowed to pass, that the measure may be made retrospective, and that the first paragraph shall be allowed to read "from and after the 1st January 1892" instead of "from and after the coming into operation of this ordinance," and if I might be allowed to make a suggestion with reference to the third paragraph of clause 1, I would suggest that all games might be included instead of only football and football clothing—all games which are played by the military. However, sir, as these are matters which will doubtless be more suitably brought forward in Committee afterwards, it will be sufficient now for me merely to second the motion.

The Hon. the AUDITOR-GENERAL:—It is the intention of the Government when this Bill reaches Committee, if the members of the Council have no objection, to make the ordinance retrospective, from the 1st of January last.

The first reading was then agreed to, and the Hon. the AUDITOR-GENERAL gave notice that he would move the second reading at the next sitting.

#### THE SANITARY RATE.

The Hon. the GOVERNMENT AGENT, C.P., brought up the report of the Sub-Committee on the ordinance to make provision for the imposition of a Sanitary Rate in certain localities.

The Hon. A. DE A. SENEVIRATNE:—The report and the other papers came into our hands only yesterday, and I, for my part, have had no time to look through and study them. Your Excellency will remember there was some opposition to this Bill; and it is necessary therefore that the amending report should be closely considered, and I should like this matter to be postponed to a future occasion. Under Rule II of our rules papers should come into the hands of members one day at least before presentation. Now it was 12 o'clock yesterday that this came into my hands—I don't know whether that can be considered as one day.

The Hon. the GOVERNMENT AGENT, C.P.:—With the consent of the Council I shall have no objection, as the member in charge of the bill to bring it forward at the next meeting of Council.

The matter was accordingly adjourned.

#### THE INVENTIONS BILL.

The Hon. the SURVEYOR-GENERAL:—I have the honour to bring up the report of the Sub-Committee on the "Ordinance to consolidate and amend the law relating to the granting of Executive privileges



to inventors," and I move that it be read by the Clerk to the Council.

The Clerk then read the report.

The report having been read, Council went into Committee on the measure, when the Hon. the Surveyor General made a number of resolutions giving effect to the Committee's recommendations, most of the resolutions being approved without comment. Clause I. was amended by the words "189—and shall come into force on the—day of—189—" being deleted and the words "1892, and shall come into force on the first day of July 1893" being inserted. The words "shall include" in the 8th definition in Clause II were deleted and the word "means" substituted; while an addition to the definition was made making it read in its entirety: "'Colonial Secretary' means any person acting as and for the Colonial Secretary and includes any assistant to the Colonial Secretary to the extent to which he may be authorised by general or special order of the Governor to discharge the functions of the Colonial Secretary under this ordinance." In clause IV sub-section I, the words "whether we or they is or are a British subject or not" were omitted, and a sub-section was added running "Any person whether a British subject or not may petition for such leave." The original sub-section II was accordingly altered to sub-section III, and this sub-section was further amended, the words "or to the effect of" in line 4 being altered to "A in," while after the word "schedule" in the fifth line the words "or in such other form as may be from time to time prescribed" were inserted. The words "or to the effect of the third schedule" were deleted and in their place the following was inserted "B in the said schedule or in such other form as may be from time to time prescribed." The last word in the original sub-section IV was altered from "thereof" to "therefor." The word "may" in sub-section II of clause V was altered to "shall;" and the words "Before such petition is so referred" were substituted for the words "When such petition is to be referred to such a person" in the first line of sub-section III of the same clause. An extensive insertion was made in clause VII which was made to read as follows:—

7 (1) If within six months from the date of an order under section 5, sub-section (1), or within such further time, not exceeding three months, as the Governor in Executive Council in his discretion may, on cause shown to his satisfaction, and on payment of the fee prescribed in that behalf in the fourth schedule, see fit to allow, the petitioner or petitioners causes or cause a specification of his or their invention to be filed in manner by this Ordinance required and the fee prescribed in the fourth schedule in respect of the filing of the specification to be paid the petitioner or petitioners shall, subject to the other provisions of this Ordinance, be entitled to a *Grant to be issued by the Governor under the Public Seal of the Colony, in the form set forth in the Third Schedule, or in such other form as may be from time to time prescribed, of the exclusive privilege of making, selling, and using the invention in Ceylon, and of authorising others so to do, for a term of fourteen years from the date of delivery to, or receipt by the Colonial Secretary of the petition.*

The words in italics were the new passages introduced.

The Hon. A.-DE A. SENEVIRATNE inquired why it was necessary to state "or in such other form as may be from time to time prescribed," asking if there could be any other form than that set forth in the schedule.

The Hon. the SURVEYOR-GENERAL:—These would be, sir, by Your Excellency's proclamation or notification.

The amendment was then agreed to. In clause VIII. line 2 the words "must commence with the title" were inserted after the word "petitioners" while a new subsection was added as follows:— "Every specification must end with a distinct statement of the invention claimed." Sub-section I. of clause XV. was completely altered so as to read as follows: "An exclusive privilege under this ordinance shall have to all intents the like effect as against Her Majesty the Queen, her heirs and successors, as it has against a subject." In sub-section IV. of clause XVI. the word "make" was substituted for the word "under" in line 1, while in clause XXXV. the words "specification was filed" were altered to "petition was delivered to or received by the Colonial Secretary." Clause 40 was omitted and the numbers of all the succeeding clauses were accordingly altered, while the following addition was made to the second schedule: "In the case of more than one petitioner, state whether all, or if not, who is or are the inventor or inventors."

The following was inserted as a new third schedule:—

Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, &c.

To all to whom these Presents shall come.

Greeting.

Whereas— of — a [having previously obtained Her Majesty's Letters Patent for the exclusive use of a certain Invention intituled (here insert title of the Invention) in the United Kingdom, but not extending to this Island] has presented to Us —, Governor of Ceylon, a petition (numbered — in the Register of Inventions in the Office of the Colonial Secretary) praying for leave to file a Specification of a [the said invention] a certain Invention, intituled —, and We in Executive Council have made an order, dated the — day of —, 189 —, authorising the said — to file a Specification of the said Invention; and whereas the said — did, on the — day of —, 189 —, file a Specification in accordance with the said order, and the same is entered in the Register of Inventions in the office of the Colonial Secretary; and whereas the said — hath done all things to entitle him to exclusive privilege in the Invention in the said Petition and Specification mentioned and described, for the term of — years: Now know Ye that We do grant to the said —, his heirs, executors, administrators, and assigns, the exclusive privilege of making, selling, and using the said Invention, and of authorising others so to do, in Ceylon, for the term of — years, in terms of and subject to the provisions of "The Inventions Ordinance, 1892."

CONDITIONS.

Given at —, under the Public Seal of the Island of Ceylon this — day of —, 189 —.

By His Excellency's command,

Colonial Secretary.

These alterations having been made, Council resumed and on the motion of the hon. the SURVEYOR-GENERAL the Bill was forwarded to the Law Officers of the Crown for the usual report; while the hon. the SURVEYOR-GENERAL announced that the Bill would come up for third reading at the next sitting of Council.

FOREIGN CONSULS AND THE CUSTOMS.

The Hon. the AUDITOR-GENERAL:—Sir, I rise to move the second reading of an "Ordinance to exempt from Customs Duty official supplies consigned to certain consular officers of Foreign countries."

The Hon. the PRINCIPAL COLLECTOR OF CUSTOMS seconded, and Council went into Committee on the measure.



The Bill passed the Committee stage without amendment, and on Council resuming it was referred to the Law Officers of the Crown for report.

• THE NEW MUNICIPAL ORDINANCE.

The "Ordinance to remove doubts as to the purposes towards which the Rates on Real Property may be applied by the Municipal Council of Colombo" next came up.

The Hon. J. J. GRINLINTON said.—Sir, it is my duty to resume the debate upon Municipal Ordinance now before this Council, and in reference to it I would invite attention to the first paragraph of the bill which says:—

Whereas doubts have been entertained as to whether the Municipal Council of Colombo may lawfully apply towards the general purposes of the Colombo Municipality any part of the rate or rates made, assessed, and levied by them under the provisions of section 127 of "The Municipal Councils Ordinance, 1887," and it is expedient to remove such doubts:

There is some misconception with regard to this. The real fact of the matter is this, that no money has, I believe, been spent by the Municipal Council out of the assessment collected under the provisions of the 127th clause of the Ordinance of 1887; the moneys that were spent were arrears that were collected under sections 53 and 54 of the Ordinance 17 of 1865 and chapter 21 of the by-laws. Considerable sums of money were collected, and these arrears, instead of being applied to the purposes for which the tax was collected were applied to the general revenue. Now it is for this purpose that the Municipal Council require—as I term it—white-washing. Instead of that, the ordinance states it is in reference to section 127 of the Municipal Council's Ordinance of 1887 and it should be altered so as to run as follows: "Whereas, the Municipal Council has applied towards general purposes of the Council portions of the rate recovered under sections 53 and 54 of Ordinance 17 of 1865 and chapter 21 of the by-laws attached to the Ordinance 16 of 1881 it is now necessary to legalise the same." Therefore I think the whole of this paragraph will have to be recast, and with reference to the second paragraph, this clause should be made retrospective and not prospective. The reason is we have no funds available from the present assessment to meet anything else except gas water and police—in fact, the rate at the present time is insufficient to meet these purposes properly and therefore to give power to the Municipal Council to spend any portion of the rates levied for general purposes would be in my opinion futile. Neither is that required by the Council. At a recent meeting of the Municipal Council the following was the resolution passed in reference to a letter of the Colonial Secretary's dated 22nd September 1892:—"Resolved unanimously:—'The Council, whilst wishing that any doubts as to the legality of their expenditure for general purposes in the past of sums levied either under the consolidated rate sanctioned by the 127th clause of the Ordinance No. 7 of 1887, or under separate assessment for gas, water, or police, should be removed, do not wish that authority be given by legislative enactment for the expenditure in the future of moneys levied, under the consolidated rate, for purposes other than those connected with police, gas, or water.'" Therefore the clause would have to be entirely altered. If the Ordinance be passed as now before this Council it will be passed in opposition to a resolution of the Municipal Council and I am certain that cannot be your intention. I therefore move that

this Ordinance be amended so as to meet the case that is to legalize the past acts of the Council in reference to the arrears of assessment they spent on general purposes. That is all that is really necessary—nothing else. If the law be as I have heard it said that no illegal practice has taken place, then there is no necessity for any Ordinance. I hope I have made myself clear, but I shall be very glad to hear what my hon friend, the Attorney-General has to say upon the subject.

The Hon. the ATTORNEY-GENERAL:—I have, sir, to ask the indulgence of the Council with reference to this Bill. As the Council knows I have only lately assumed my office, and I have not yet fully studied the question, and I desire further time in the matter. I would however point out that the resolution approved by the Municipal Council is different from the wishes expressed by the hon. member who represents the general European community. The resolution passed by the Council refers to arrears under the present Ordinance and under the 127th section of that Ordinance. The hon. the member for the general community has referred to levies made under a past enactment which has been repealed and is no longer in existence. That raises a new question which has never been, as far as I am aware, submitted to the Government. With regard to levies under an Ordinance that is not at present in existence the Government were not asked to legislate but for levies under the 127th section of the present Ordinance, and even with regard to the existing Ordinance, I think the position now taken up by the hon. the representative of the general European community is quite different to the one at first submitted to Government. I ask the indulgence of the Council and its permission to allow this Bill to stand over till next week.

Permission was granted and Council passed on to the next business.

The next measure to be brought forward was the "Ordinance to empower Police Magistrates to try certain offences in a summary way," and it was listed for second reading.

The Hon. Mr. RAMANATHAN, however, asked if it was considered desirable to enter on a discussion of the measure at that late hour?

The Hon. the ATTORNEY-GENERAL —Perhaps if I mention the views the Government have, after having heard the objections raised by the different unofficial members of this Council, and if I am allowed to state the course Government is prepared to pursue, it is possible that the discussion might be referred to a Sub-Committee of the Council, and we might take the second reading of this Bill as it stands. The adjournment of the debate was moved by my hon. friend, the late Attorney-General, for the purpose of considering the objections that were raised by the unofficial members. He considered those objections and gave advice to the Government in regard to them, and out of deference to the objections raised by the unofficial members Government is prepared to insert a limiting clause in the Bill, limiting its extension to one year, that is to the 31st December next, and I have permission to state that the Government are prepared to give an undertaking that the powers given under the Bill shall not be applied to other than the Police Magistrates of Colombo, Kandy and Galle, and if the unofficial members will allow the Bill to be read I will move that it go to a Sub-Committee so as to enable the discussion on the Bill to be carried out before that Sub-Committee and thus save the time of the Council here.

The Hon. P. RAMANATHAN:—Now that the hon. the Attorney-General has stated the views of the Government upon this question, I believe it is



desirable to continue the debate on another occasion and in the interval it will be competent for unofficial members to interchange ideas. At present our difficulty is one that relates to the principles of the Bill, and I believe that the opposition on the part of my unofficial colleagues related entirely to the principles of the Bill, and if we are given time perhaps we may know our minds more in regard to the measure.

The Hon. the ATTORNEY-GENERAL:—I am prepared to agree to a postponement to suit the unofficial members and to enable them to consider the Bill, and if any member desires any information that I can give him out of Council, I shall be happy to give it to him. The labour and trouble of a debate here may be saved by my showing certain papers that are in my possession in regard to this Bill.

The Hon. P. RAMANATHAN:—Might they be laid on the table at once, because we would like to go into the whole subject?

The Hon. the ATTORNEY-GENERAL:—I will be prepared to show them to any members that call at my office.

The Hon. P. RAMANATHAN thanked the Hon. the Attorney-General for promising this assistance.

The Hon. the ATTORNEY-GENERAL:—I might ask the hon. member for the Tamil community how long he requires?

The Hon. P. RAMANATHAN:—Next meeting.

The further consideration of the bill was accordingly postponed to the next meeting.

#### THE COUNCIL CHAMBER.

The Hon. the COLONIAL SECRETARY:—Sir, before moving the adjournment of the Council I would ask permission to move a resolution which will give effect to that resolution which was carried in the early part of today—I mean that which was proposed by the hon. member who represents the general European interests—appointing a Committee for considering measures for the improvement of the accommodation of this Chamber. I beg, sir, to move that the Committee do consist of the Hon. the Auditor-General, Mr. Mitchell, Mr. Grialinton and myself—two to form a quorum.

The Hon. the ATTORNEY-GENERAL seconded, and the motion was carried.

#### THE LEGACY DUTIES.

The Hon. the COLONIAL SECRETARY:—I stated in reply to the hon. member who represents the Sinhalese community that I would state what I considered to be the intention of the Government in regard to the Legacy and Succession Duties Ordinance. I may state that in consequence of some difficulties in the details of the Ordinance it has been considered desirable not to proceed with it at present and to reintroduce it with some amendments in the Stamp Duty Ordinance. It will not, therefore, be proceeded with this session but will be brought forward in the coming session. (Loud applause.)

#### ORDINANCES SANCTIONED.

The Hon. the COLONIAL SECRETARY:—Owing to the reading of the minutes only occupying such a short time, I lost my opportunity of making some announcements; but I will make them now with hon. member's permission. I beg to announce that His Excellency the Governor has given his assent to the following Ordinances:—Ordinance No. 13 of 1892. "An Ordinance to amend and consolidate the Law Relating to Postal and Telegraph communications." No. 14 of 1892. "An Ordinance to amend the Merchandise Marks Ordinance, 1888," and No. 15 of 1892. "An Ordinance to levy an export duty on Tea."

#### PAPERS LAID ON THE TABLE.

The Hon. the COLONIAL SECRETARY:—I beg to lay on the table the following papers:—Returns of Expenditure on the Extension works to Galle, Haputata and Bandarawella for the month ending 30th September last. Return of expenditure incurred on the Bandarawella Railway for one quarter ended the 30th September 1892.

#### THE ADJOURNMENT: ALTERATION OF THE HOUR OF MEETING.

The Hon. the COLONIAL SECRETARY moved that Council should adjourn to the following Wednesday at 2:30 p.m.

The Hon. W. W. MITCHELL: Before we adjourn I have a word or two I would like to say. On a former occasion when a question of adjourning the meeting was brought up, the hon. the Colonial Secretary gave me the opportunity of taking the sense of the Council. I did not understand at the time that such an opportunity had been given me, and I would point out again the difficulties unofficial members lie under in having to get here at 2:30. Half-an-hour at that time of the day is of importance to them. Today only, the hon. the planting member found it difficult even to get here at 3, and I would like this time, to take the sense of the Council upon it. I am sure the officials would gladly do all they can—it they can see their way—to fall in with the wishes of the hon. members. According to our Rules, the meeting should be at 3 o'clock and we break that rule at every sitting, apparently. I should move that the Council do meet at 3 o'clock.

The Hon. L. H. KELLY:—I would also again ask that longer notice of important matters coming before this Council be given. It was only on Sunday last that I saw that a motion which the Attorney-General was about to propose was to be brought forward at this meeting. I allude to the Police Magistrates' Summary Procedure Ordinance. I would on every occasion, sir, do my utmost to attend the meetings of this Council; but, not having the slightest idea that this Bill was coming before the Council again, I had made arrangements which I could not possibly get out of, and when I telegraphed to the Attorney-General and the Colonial Secretary begging that this Bill might be postponed until next week, in order that I might attend, I was not able to get from them a reply which would have prevented me travelling down here (as I have done) and arriving late after travelling all day with the intention of recording my vote. The circumstances, sir, I think, were rather aggravated by the position of affairs at the conclusion of the debate on this Bill. The unofficials were in a majority, and I for one and a great many of the unofficials were under the impression that it was withdrawn not to be presented again,—and then I only got 2½ days' notice that it was to be thrust on Council again. I would ask that a little further time might be given—if only one week—and I think that the Government might have accorded me the courtesy that I asked for, seeing that it was the unofficials that allowed the postponement before. Until I came down in the train and saw it in the newspaper I had no idea what the business before this Council was. I do think where an important matter is coming before this Council members who are at a distance and who cannot readily ascertain what is coming before the Council should have a little further consideration and at any rate, have a little further notice to consider a Bill, and to know what they are going to consider.



The Hon. J. J. GRINLINTON said that as a man of business he often found it difficult to get to the meeting at half past 2 o'clock, and he hoped that Government would see its way to alter the hour, except, of course, on special occasions, as when the Supply Bill was before the House.

A division was then taken on the motion, with the following result:—

Ayes. (13).	Noes. (4).
The Hon. L. H. Kelly	The Hon. the Surveyor-Genl.
„ Abdul Rahiman	„ Govt. Agent, C.P.
„ T. B. Panabokke	„ „ W.P.
„ J. J. Grinlinton	„ „ Attorney-General
„ A. de A. Seneviratne	
„ W. W. Mitchell	
„ Dr. Anthonisz	
„ P. Ramanathan	
„ the Principal Collector of Customs	
„ the Treasurer	
„ the Auditor-Genl.	
„ the Colonial Secy.	
„ the Major-General	

The motion was declared carried by 13 votes to 4, and Council then adjourned till Wednesday next at 3 p.m.

### WEDNESDAY, NOVEMBER 16, 1892.

*Present*:—His Excellency the Governor in the chair; the Hons. Lieut.-Colonel Churchill, Acting Officer Commanding the Troops; Sir E. Noel Walker, Colonial Secretary; C. P. Layard, Acting Attorney-General; J. A. Swettenham, Auditor-General; G. S. Williams, Acting Treasurer; A. R. Dawson, Government Agent, W.P.; P. A. Templer, Government Agent, C.P.; F. O. H. Clarke, Surveyor-General; R. Reid, Acting Principal Collector of Customs; P. Ramanathan, Tamil representative; P. D. Anthonisz, Burgher representative; W. W. Mitchell, Mercantile representative; J. J. Grinlinton, General European representative; M. O. Abdul Rahiman, Muhammadan representative; A. de A. Seneviratne, Sinhalese representative; T. B. Panabokke, Kandyan representative; L. H. Kelly, Planting representative; and H. L. Crawford, Clerk to the Council.

The minutes were read and confirmed.

#### THE POLICE TAX IN TRINCOMALEE.

The Hon. P. RAMANATHAN:—I beg to present a petition from certain inhabitants of the 5th, 6th, 7th, 8th and 9th divisions of the town of Trincomalee regarding the imposition of a police tax. The petition is a long one and it prays that a commission be appointed to inquire and report whether at any time there was any cause or justification for the exercise of the exceptional powers vested in your Excellency by Section 10 of the Police Ordinance.

#### SALE OF PADDY LANDS.

The Hon. L. H. KELLY, in submitting his motion for the particulars of the sale of certain paddy lands, said:—The case as it has been placed before me is that ten and a half amunams extent of fields belonging to Kohokumbure Abesundarar Banda, Registrar of Marriages of Kandukara (my informant's nephew), were so sold. It happened thus: My informant's nephew was co-owner with Kohokumbure Loku Banda, Meddama Banda, Sudu Banda and Mutu Banda of the Nindagama called Kohokumburegama in Medagampattu in Wellassa. He got married to the niece of the late Ranugelle Sudu Bandar Korala of Kandukara and went and took up his residence there. The aforesaid Medagam-

pattu Korala recovered the tax from the shareholders only for the fields separately registered in their names of the said village, saying that he would get the tax from my informant's nephew for the fields in his name. The tax due from the nephew for his 10½ amunams was R18.25. The korala never asked for the tax. This was I believe for the year 1887. In the previous year, my informant says, he cultivated these fields of his nephew's and paid the tax for that year 1886. For 1887 his nephew's brother-in-law cultivated the fields. His nephew was under the impression that his brother-in-law had paid the tax. These fields are very fertile lands yielding from 16 to 20-fold, and this korala had a great desire to become possessed of these fields. He never gave any notice; there was no publication of the sale in the village by beat of tom-tom. The fields were sold at the Badulla Kacheheri no one knowing it. The korala knew that if, even without giving notice, the sale was fixed to be held in the village where these fields are situated or even in that pattu the co-owners would come up and pay and not allow them to be sold. He got a subordinate headman under him, one Davit De Mell, peace officer, to come with him, and he at the sale was put forward as the bidder and all the fields were knocked down to him for the trifling sum of R20 or thereabouts, a little above the tax due R18.25. "Coming to know of this sale," says my informant, "I went and asked the korala to give up the fields taking R40. He promised to do so in presence of the Kacheheri Mudaliyar, and I went three times to the house of the korala with the money. Each time he postponed it on some excuse or other and at last told me that the man who purchased the fields would not part with them even if R200 were paid. Thereafter the korala got the said peace officer to execute in his favor a deed of transfer for the said field. This is one out of a host of this kind. If the korala he called upon to give a list of the fields he has acquired it will be found that the same dodge had been played in hundreds of cases and in most of them making the men beggars. I beg to forward here, with the tax receipts for 1886 of the fields that were sold which will show that the amount of the tax is R18.25. This R18.25 represent the value of a 1-10th share of the value of the yearly produce of these fields. So that the total value of the yearly produce would be R182.50 and the korala gets them for the trifling sum of R20 odd!—and these fields which are so purchased for this small sum are first-class fields yielding from 16 to 20-fold." That, sir, is the case as it was laid before me. I may mention that several others have also been sent to me, but I quote this particular one which is signed and has been authenticated to me. Attached to the document are the receipts for the tax which he had paid. It is hardly necessary, sir, for me to say much more on the subject, because I laid the papers before the Colonial Secretary and also another paper which authenticates what appeared in the Sinhalese paper the "Satyalokaya," and which was copied into the *Observer* of 25th August. Up to that time it was an anonymous charge against headmen in general of obtaining land in a somewhat similar way. (The hon. gentleman read the authentication.) I felt, sir, that when the case was stated to me in this sort of way it would be unfair to bring it before the members of Council without giving Government the opportunity of inquiring into it. If it is a true case, I am perfectly certain that Government will afford the redress which is necessary in the circumstances; and if it is untrue or in any way exaggerated, I feel it is only right that Government should have the opportunity of stating



that the case is untrue or exaggerated. Some time has been allowed to Government to inquire into the matter, and if Government has discovered that the case is a correct one and has also discovered that cases of a similar nature exist, I would ask, and I trust at any rate, that it may be in the power of Government to cancel such sales and in some measure alleviate the wrong which may have been done to those who have suffered at the hands possibly of headmen. I leave it entirely in the hands of Government to express their opinion on the subject.

The Hon. A. DE A. SENEVIRATNE:—Sir, in justice to a large number of headmen who, in spite of very great hardship, try to do their work honestly, I think it is desirable, when a charge of this kind is made, that it should be thoroughly sifted. I have therefore much pleasure in seconding the motion.

The Hon. T. B. PANABOKKE:—Sir, I think I owe a debt of gratitude to my hon. friend who represents the planters for taking up this subject which is purely a Kandyan one. It shows the spirit in which he comes before this Council, and I reiterate my sentiment that I owe him many thanks for taking it up. I am rather doubtful however as to what will be the result of such an inquiry, because Your Excellency has been convinced of the injustice of this tax. The tax has now been abolished and there is no further possibility of any injury being done to the people by headmen or by the sale of such land, because it is now a matter of the past. However I shall be glad if such cases are found to have occurred under unlawful circumstances that Government should be able to cancel such sales. My hon. friend has alluded to an article copied into the *Observer* from the "Satyalokaya" in which the headmen have been shown up not to very great advantage, but I think headmen as such are not to be blamed in this matter. They carry out the law, and I think we proved to the satisfaction of Government that the law was defective and Government have now repealed that law. It is now out of time, I think, to scrutinize the conduct of headmen and it would serve no good purpose. This, when investigated, will give, I think, further proof of the hardships that the people were subjected to under the paddy tax, and I shall be very glad if Government does investigate it. With this view I support the motion.

The Hon. the COLONIAL SECRETARY:—I may state, sir, that the report which the hon. member gave notice of his intention to call for has been drawn up, and I was prepared to lay it on the table at the last meeting of Council when the hon. member himself postponed the resolution. The hon. member is quite correct in saying that he put the papers before me, but he took them away the other forenoon before I had the opportunity of perusing them. Therefore not having read them I do not know what was in them, but if the hon. member leaves them with me, and if the other claims on my time will allow, I shall be very glad to peruse them. I did not understand before, and I do not understand from what the hon. member has now stated, that there was any charge against the headmen, nor do I understand what the charge precisely is. Here is the report of the Government Agent, and as far as I understand the sale was properly conducted, and there was no misconduct as alleged against the korala, and he is strictly within his rights in retaining possession of the land. I may however say, sir, that the purchase of land by headmen has for many years been discountenanced by Government. It is only within the last few days that there has come before me a circular issued, I think, four years ago, absolutely pro-

hibiting them from purchasing these lands. The subject has again recently been engaging the attention of Government, and the prohibition has been repeated. There has been a further injunction and warning to headmen that they should not be effected through third parties. I may say, sir, that if there is any charge against the headman it is hardly fair to launch it against him here in Council and in public where he has no opportunity of defending himself. If I had understood that there was a charge of misconduct against a public officer I should have certainly advised the hon. member—whether he would have taken my advice or not I cannot say—to recommend his constituents to represent the matter to the Government Agent of the Province, who would inquire into it in the due course of business. When representations of this sort come to the Executive it is proved that in a great number of them, as I hope will be proved in this case, there has been no misconduct. If he will furnish me with information I shall be very happy to have it.

The Hon. L. H. KELLY:—I beg to explain, sir, that I was quite under the impression that my hon. friend the Colonial Secretary had read the papers. I shall be very pleased indeed to leave the papers with him, because they are all authenticated. The signatures are to the papers, and unquestionably the charges complained of in the article with regard to the action of headmen are such as I think Government ought to inquire into. This specific charge which I have brought forward today is also authenticated, and I shall be happy to leave the papers with the hon. the Colonial Secretary as he has asked.

The Hon. the COLONIAL SECRETARY:—I do not want a mass of papers which perhaps I will not be able to read. What I want to know is what the specific charges are. I have not gathered from the remarks of the hon. member what the charges are.

The Hon. L. H. KELLY:—I cannot explain the charges any more distinctly than I have already done. The Government Agent has gone home only lately. I understood from the Hon. the Colonial Secretary that he had not had time to consider the charges, and it was under those circumstances that I said I should be only too happy to leave the papers with him.

The Hon. T. B. PANABOKKE:—Am I in order, sir?

H. E. the GOVERNOR:—No, if you are going to speak to this motion again.

Council then passed to the next business.

In the report which was tabled by the Hon. the Colonial Secretary the Government Agent (Mr. F. C. Fisher) said:—I have the honour to report that the circumstances connected with the sale of the lands in question were as follows: On 2nd October 1887, eight fields belonging to Kohokumbura Banda and two others of 9 amunams and 5 kurnies in extent were sold in default of the payment of tax to one David de Mell for the sum of R33 75. Subsequent to the sale on 9th January 1888, Kohokumbura Banda petitioned the Government Agent (Mr. King) asking that the sale might be cancelled and offering to pay the arrears of the tax due. The Government Agent refused to cancel the sale, holding that the sale had been a regular one and no grounds were shown for setting it aside. In the month of May following certificates of sale were issued to De Mell, who thereupon transferred the whole of the fields by notarial document to Sudu Banda Medagampattu Korala nominally for R100. The korala was then appealed to by the uncle of Kohokumbura Banda to re-transfer the lands, and it appears that he at first agreed to do this for R40, but subsequently



refused to act up to his promise. No misconduct is alleged against the koralas beyond this breach of promise, and he is strictly within his rights in retaining possession of the land. The lands were sold far below their value, but similar sales were at this period taking place throughout the Province of Uva.

THE SUPPLEMENTARY CONTINGENT CHARGES FOR 1892.

The Hon. the COLONIAL SECRETARY:—I beg leave, sir, to introduce. "An Ordinance for making provision for the supplementary contingent charges for the year 1892." I regret, sir, to have to make the annual apology for the large total which the supplementary provision has this year again necessarily reached; but so long as there is an increasing revenue which naturally whets the appetite for claims for public expenditure, and so long as Government is desirous and is prepared in order to avoid delay and postponement to accept the responsibility of anticipating the concurrence of Council, so long will there be these large supplementary provisions. I think I may say, sir, that Government feel satisfied that they are only anticipating the sanction of Council because the services are of such a character that Government feel sure they will receive the concurrence of Council. In the schedule of supplementary estimates which I think has been placed in the hands of members, you will observe that the total reaches the sum R1,012,366 25, and I may draw attention to the chief items which go to make up this large total. The principal one is that of exchange for which a provision of R243,213 has to be made. When the estimates for 1892 were framed more than twelve months ago, the exchange was at the rate of 1s 5d—a rate which it was then expected would be maintained, but which, as is known, has considerably fallen, and hence the necessity for the provision of this large sum of nearly a quarter of a million rupees, which represents about one-fifth of the total of the supplementary estimates. Under the head of provincial administration there is a large provision, but the greater part of it is in order to have a larger amount of salt prepared and it will be reimbursed in the revenue received. It will also be necessary to provide R33,000 for cholera expenses over and above the ordinary provision in the three northern provinces. In the marine department there has been a considerable expenditure in excess of the estimate due to the new dredger and putting the other dredger in an efficient condition. Under the head of education, a sum of R12,216 is merely revotes; and there is also a provision for the grant-in-aid which is a payment made by results and is a rather a matter of congratulation. There is also a sum provided for Sinhalese books which will also be reimbursed. Under military contribution there is a large sum the greater part of which is due to the fall of the rupee to which I have already referred, and the change of annual payment from £75,000 to the average of £81,750 for the next five years. This re-arrangement necessitates an additional provision this year of R96,000. Under the head of miscellaneous services there are these sums which, I may, state, are matters of accounting—R16,000 revotes R18,000 for stamps, and R8,850 for census expenses. I may explain that there has been no excess of expenditure because the expenditure has not been spent in the year for which it was provided. As regards the Medical, Post Office and Railway Departments there are some considerable increases. In the last depart-

ment—the Railway Department—the principal object is to meet the increased traffic accommodation which has been recently effected. Public works altogether amount to a sum of R282,009 41. This is for several services the necessity of which I shall be glad to explain in the Sub-Committee to which the bill is referred. Some alterations may be made when the bill is scrutinized in Committee, and I shall have to submit some alterations myself. To meet this expenditure I may state that the revenue for the nine months ended 30th September last exceeded the nine months of the estimate by the sum R434,733. If this excess is maintained for the remainder of the year we shall have available a sum of R521,000. I am led to believe, sir, that this excess will, owing to imports of certain articles on which duty is raised, be rather increased, and that an excess of our revenue this year of R800,000 may quite be counted on. Counting on that I think the balance will assuredly be met by the amount in every year which is usually unspent. If hon. members will turn to the appendix to the report of the Committee on the Supply Ordinance they will find a statement of the unexpended balances for public works which, I think, amounts to over R600,000. With these remarks I beg to move that the bill be read a first time.

The Hon. the AUDITOR-GENERAL seconded and the bill was read a first time, the Hon. the Colonial Secretary giving notice that he would move the second reading at the next meeting of Council.

SUPPLEMENTARY CONTINGENT CHARGES FOR 1891.

The Hon. the AUDITOR-GENERAL:—Sir, I beg to move the first reading of "An Ordinance for making final provision for the Supplementary Contingent Charges for the year 1891." The object of this bill is to obtain the consent of the Legislative Council to certain expenditure in excess of the votes already granted by the Council in the Supply Bill for 1891 and the Supplementary Bill for 1891. The whole of this expenditure has already taken place, and the Council is simply asked to ratify it. The total of the bill is not very large, R22,588 58. That is rather in excess of the total of the same bill last year and of the same bill for 1887, but it is considerably less than the totals for 1889, 1888 and 1886. The principal items which require notice from me are,—first, pensions, on which there is an excess of R3,167 which is principally due to insufficient provision having been made for fluctuation in exchange, the fall having considerably exceeded the calculations made by Government in anticipation for the year. Another item is R6,562 under miscellaneous services, and is due to the provision of a steam launch in Colombo harbour for taking the pilots out, the expenditure being greater than was foreseen. Another item in Colombo harbour is that of R3,434 which is due to the subsidy to the steamer "Lady Gordon" going round the island. Those are the principal items. I must ask the indulgence of Council to mention one matter which does not exactly appear on the face of this bill but is connected with the general object of it, and that is that there has been a very large excess over the anticipated expenditure for 1891 under the head of military contribution. The excess under that head as you will see from the statement of sums brought to account in 1891 in excess of the provision made in the ordinary appropriation ordinance of the year, which is attached to this bill, amounts to R240,691 86, which is due to the increased military contribution which is exacted from this colony by the Imperial Government. It finds no place in this bill because it is paid in accordance with the



Ordinance of 1870. I move that the bill be read a first time.

The Hon. the COLONIAL SECRETARY seconded, and the bill was read a first time.

THE SANITARY RATE BILL.

The Hon. the GOVERNMENT AGENT, C.P., brought up the report by the Sub-Committee on "an Ordinance to make provision for the imposition of a sanitary rate in certain localities."

The Council then went into Committee on the bill.

The Hon. the GOVERNMENT AGENT, C.P., moved the insertion of the words "mentioned in the schedule hereto" in the second clause which provides that the Governor may bring any town or village by proclamation under the operation of this ordinance.

The Hon. A. DE A. SENEVIRATNE:—Sir, it was mentioned during the second reading of this bill that it was not intended to make this ordinance applicable to any but what were called roadside townships. I do not find anything in this bill as proposed to be amended showing that that definition has been kept in view. I think it would be desirable to insert either in this clause or elsewhere in the bill words to the effect that the township is not to extend beyond a certain distance from the high road. At present the matter is left indefinitely to be settled afterwards, but I think it should be settled in the Legislative Council. We ought to know here what extent of town or village is to be brought under the operation of this ordinance, and therefore I would suggest that some limitation of the kind of township be made in this clause or in the schedule. What I would suggest is that the distance from the public road should be mentioned.

The Hon. P. RAMANATHAN:—It will be remembered, sir, that when this bill was read on a former occasion I said it was open to the objection that clauses as they stood then were capable of being construed as clauses sanctioning the imposition of a general land tax. When we went into Sub-Committee I suggested that if a schedule were attached to the ordinance showing what towns or villages in special were intended to be brought within the purview of this ordinance it would remove the objection I referred to. Therefore the Committee thought it right to inquire of Government Agents all over the country and to insert the schedule which we now find appended to this bill. Unfortunately, sir, when the schedule itself came up for discussion before the Sub-Committee, I was not able to be present. I received a hurried note summoning the Sub-Committee for a certain day; and I found that on that very day I had to keep an engagement at Galle in connection with a case I had to defend. I then wrote to the Chairman of the Committee to say that I would not be able to attend the Committee meeting, but for other reasons which need not be entered into it was found inconvenient that the adjournment of the Committee meeting should be sanctioned. I therefore took no part whatever in the consideration of the villages and towns mentioned in the schedule. The remarks which fell from my hon. and learned friend the Sinhalese member are not quite intelligible to me, because I do not know whether he objects to each and every of the towns and villages mentioned in the schedule or whether he wants instead of the schedule a definition put in of the towns or villages intended to be brought within the purview of the Ordinance, because if the ordinary definition is to be put in then this schedule is entirely out of place. If the schedule is to stand as it is then we may take it that the limits of the towns mentioned here

are more or less apparent to the Agent or Assistant Agent, and I may say also to the principal inhabitants of the island. That being so, sir, until I hear from him anything to the contrary I shall not be in a position to emphasize his objection in that respect; for my part I would like to remind the Council, sir, that at last discussion I hoped that if towns were included with this bill it should be made possible to some towns at least to find their way out of the operation of the bill in the event of their seeking to be made a Local Board or Municipality. Now, sir, I find that a place like Jaffna is included in this bill. Jaffna by the last census has a population of 43,000 people and is the second town in the island. Moratuwa which is also included consists of about 19 villages and has a population of about 25,000 people; and I see nothing in the bill making it compulsory on the part of Government to grant the application of the inhabitants of such places as Jaffna and Moratuwa for the establishment of a Local Board or Municipality.

H.E. the GOVERNOR:—Does not clause 4 satisfy you?

The Hon. P. RAMANATHAN:—I do see, sir, in clause 4 that it shall be lawful for the Governor with the advice of the Executive Council to exclude from the operation of the bill any town that may be brought within the operation of it; but, sir, such an application only empowers Government to grant the application or not as it sees fit. It is really absurd that towns like Jaffna and Moratuwa should go without a Local Board in the event of the inhabitants of those places applying for one and it being within the power of Government who are more or less guided by the Government Agents in whose provinces such towns may be, to grant such applications or not. What I wanted was that those applications must be necessarily granted; and in that respect I find no legislation in this bill. Next to definite legislation on the subject I can only hope to obtain from Government a promise that in the event of Jaffna or Moratuwa or places of such importance asking for a Local Board or even the higher institution of a Municipality it will be granted as a matter of course, because it is most important that towns of such consequence should be necessarily granted such applications. I understood from the Chairman of the Committee that this bill ought not to cover any towns or villages with more than about 2,000 or 3,000 people. That was obviously the intention of the framers of the bill, but now it is made to cover towns of such importance as Jaffna, Moratuwa and so on. I shall be glad indeed, sir, if a clause to the effect I have mentioned cannot be introduced into this bill to have an assurance from Government that places like Jaffna, Moratuwa and others will be granted as a matter of course an application for a Local Board. Another point I wish to submit is this. In the schedule for the Western Province I find the names of Awisawella, Hanwella and Panadure. Awisawella, as a matter of fact, pays 5 per cent as police tax, Hanwella 5 per cent, and Panadure 5½ per cent. In addition to that we are going to have a maximum of 4 per cent, raising the total taxation to 9 per cent in the case of these three towns. In Colombo the Municipality recovers about 11 per cent. Pussellawa pays at present 7½ per cent and in addition to that we are to have a sanitary rate which would make it even higher than that imposed in Colombo. There must therefore be the greatest caution observed in the fixing of the sanitary rate wherever there is a police rate also enforced.

The Hon. A. DE A. SENEVIRATNE:—I must say, sir, in explanation of the point raised by my hon.



friend that I did not intend to ask that the schedule be dropped. I only wanted a limitation put to all towns, whatever these towns may be, that are brought under the operation of this Ordinance. A limit should be placed as to the distance those towns are to extend beyond the high roads. The ordinance may do some good in places lying on either side of high roads, but in places where the houses are scattered, I do not see the need for compelling people to pay a rate or for enforcing rigid sanitary rules which are likely to be made under this ordinance.

The Hon. the GOVERNMENT AGENT, C. P.:—Sir, as stated in the report of the Sub-Committee it was at one time proposed to define towns and villages, but it was agreed by the members of the Sub-Committee that that was not possible. If the hon gentleman who represents the maritime Sinhalese will suggest any form of words by which the delimitation of towns which he desires can be expressed, we shall be happy to consider it. Apparently he asks that we should devise some means to meet his views. That I think is not quite what we should expect from him.

The Hon. the GOVERNMENT AGENT, W. P.:—I should like to make a few remarks upon this bill, sir. As far as the towns in the schedule are concerned a difficulty may possibly arise without limits. I am not responsible for all that appears under the head of the Western Province. For those that I am responsible for I shall be prepared to give evidence. I need hardly, sir, remind the gentleman who represents the Tamils of what fell from me at a recent meeting of the Council when I told him that the Moratuwa people would have neither Local Board nor Village Community rules, and were averse to being rated. He says it is a very large town, and I shall be very glad indeed to see some sanitary improvement introduced into Moratuwa. I hope it will be so under this bill and from his remarks I understand he is not averse to it being introduced. With regard to Awisawella being rated at 5 per cent and Hanwela at 5 per cent for police tax I think the hon. gentleman is in error. Nothing is recovered.

The Hon. P. RAMANATHAN:—I took it from the Blue Book, sir.

The Hon. the GOVERNMENT AGENT, W. P.:—I think it is incorrect. As far as I am able to understand they collect nothing. From Panadure I collect 5½ per cent. I have just come from there where I have been interviewing people with reference to a reduction of the police with a view to the reduction of the assessment levy in order that the sanitary rate may not prove too great a burden. They met me very well indeed. They said they were quite prepared to accept the reduction in the police with the reduction in tax, and that they were also quite prepared to accept the sanitary rate under this Ordinance so that there will be no difficulty in Panadure which is a very important town. I rather congratulate myself, sir, upon the result of my meeting the Panadure people and I only wish that the Moratuwa people had met me in a similar spirit.

The Hon. A. DE A. SENEVIRATNE:—I would suggest the insertion of some words like these "such portion of any town or village as lies within 200 yards of the main road." I expect that these words will catch up what the hon. the mover wished to make this Ordinance applicable to, because I understood that it was the roadship township where houses lie side by side and filth is thrown on the road that the Ordinance was intended to reach.

The Hon. the GOVERNMENT AGENT, C. P.:—The Ordinance is undoubtedly intended to reach that

class of towns, but I do not think Government is prepared to accept a hard and fast delimitation of that kind. It must be left to Government to exercise its wisdom and discretion and not to run counter to what was practically an assurance which was given when this bill was introduced. I am unable therefore to accept the amendment proposed by the hon. member.

The Hon. T. B. PANABOKKE:—In most of these towns, sir, there is a police station and for the purpose of taxing for the police the towns are defined so that there will be no difficulty about them. For instance when Pussellawa is mentioned we know what is meant. All that you have to provide for are such towns as are not already under the operation of the Police Ordinance.

The Hon. the GOVERNMENT AGENT, W. P.: The limits could not be identical. At Panadure the police limits are very contracted, and my proposal is to extend these limits so as to lessen the police rate and put the sanitary rate over the extended area. There are other cases where perhaps the same thing would have to be done.

The Hon. the COLONIAL SECRETARY:—I would venture to say in reply to the hon. member who represents the Sinhalese that what he has referred to are just such considerations as the Governor and Executive Council would discuss and entertain in fixing the limits. I notice that there is provision in the Ordinance for altering the limits from time to time, and if through want of knowledge of the mistaken judgment any hardship should be done it could be remedied.

The Hon. A. DE A. SENEVIRATNE:—I do not wish to divide the Council, but with the assurance that that point will be considered I will withdraw my amendment.

When clause 7 in the amended draft was reached providing that the rate should not exceed 4 per cent per annum

The Hon. A. DE A. SENEVIRATNE moved that 2½ per cent be substituted for 4 per cent remarking:—You will notice on reference to the Local Board Ordinance of 1876 which had to provide for a greater number of works that the rate was 2½ per cent—(the hon. gentleman quoted the clause)—till it was altered by the Ordinance of 1890. With the Nuisances Ordinance, and the provisions of the Penal Code I do not think much money will be required for sanitary purposes. One of the hon. members mentioned at the previous reading of this bill that there would be the white-washing of houses and pulling down of ruinous buildings, but that will not require very much money and I submit that 2½ per cent will be sufficient. If after the bill has been tried the rate is found to be insufficient it may be increased, but I submit that at present the rate I have mentioned will be enough.

The Hon. the GOVERNMENT AGENT C. P.:—I would remind the hon. member that in the case of Local Boards where the rate is fixed at 2½ per cent. those bodies have other sources of revenue which the townships under this Ordinance would not have. Again there are many of the towns named in the schedule where if you only recover 2½ per cent. on the annual value you would probably not get enough to keep the place properly clean. This 4 per cent. per annum is the maximum. Undoubtedly Government will consider the peculiar circumstances of each township and where more than 2½ per cent. is not necessary—it may not be more than 1 or ½ per cent—they will not ask it, but I do not think that the maximum can be reduced any lower than 4 per cent.

The Hon. ABDUL RAHIMAN spoke in support of 2½ per cent.

H. E. the GOVERNOR:—Does the hon. member wish to press his amendment.



The Hon. A. DE A. SENEVIRATNE replied in the affirmative.

A division accordingly took place as follows:—

Noes. (12)	Ayes. (9)
The Hon. L. H. Kelly	The Hon. Abdul Rabiman
" T. B. Panabokke	" A de A. Seneviratne
" J. J. Grinlinton	" W. W. Mitchell
The Hon. the Principal Col. of Customs	" Dr. Aathonisz
" " Surveyor-General	" P. Ramanathan
" " Govt. Agent, C. P.	" W. P.
" " Treasurer	"
" " Auditor-General	"
" " Attorney-General	"
" " Colonial Secretary	"
" " Commander of the Forces	"

H. E. the GOVERNOR declared that the amendment had been lost by 5 to 12.

The Hon. A. DE A. SENEVIRATNE next called attention to the following proviso in the same clause "provided also that it shall be lawful for such Board of Health to exempt from payment on ground of poverty, the owner of any house, land or building saleable under this ordinance." He said:—Sir, I think it should be put in a different way. It is because the lands or tenements or buildings are not of much value that they should be exempted and not because their owners are poor; and I would move the insertion of the words "and houses, buildings, lands, and tenements the annual value of which does not exceed R20 shall be exempted from the payment of such rates." Then there would be some fixed standard to go by, but here it is left to the discretion of the Government Agent, which means really the discretion of some subordinate headman, to say who should be exempted on the ground of poverty.

The Hon. M. C. ABDUL RAHIMAN:—Sir, a man might have five houses of R20 each. Are all these houses to be exempted?

The Hon. the GOVERNMENT AGENT, C.P.—This is taken from the Municipal and Local Board Ordinances and was intended, I believe, to meet cases of personal poverty and not poverty of the land or houses. In my experience cases have come before these hard-hearted officials acting on the representation of their subordinates in which people whose houses have been assessed and rated at a very fair value, have been exempted because the hard-hearted official has been satisfied that the man or woman was unable to pay the tax. It was for that reason that this clause was inserted in this bill, and it is intended to meet cases of individual poverty and not poverty of the land or houses.

The Hon. A. DE A. SENEVIRATNE:—I should be very much obliged to the Hon. the Government Agent of the Central Province if he will be good enough to point out to me the clause in the Municipal Ordinance which enables the Government Agent or Chairman to exempt on the ground of poverty a person who is liable for assessment tax.

The Hon. M. C. ABDUL RAHIMAN:—It is true it is not in the Municipal Ordinance, but there are many poor people in the villages who cannot afford to pay. I think the clause as it stands is very merciful.

The Hon. GOVERNMENT AGENT C. P. referred the hon. the Sinhalese member to the 27th clause of the Local Boards Ordinance.

The Hon. A. DE A. SENEVIRATNE:—But the Municipal Ordinance.

The Hon. the GOVERNMENT AGENT, C. P.:—Later on perhaps I may be able to point it out.

The Hon. the GOVERNMENT AGENT W. P.:—The authority I would point out is the same under the Local Boards Ordinance as under this ordinance. No exception is ever taken to the Government Agent being the prime mover or exempter under

the Local Boards Ordinance. There has never been any objection or any complaint to the working of the Local Boards Ordinance in that respect, and I really do not see why the discretion of the Government Agent that is necessary under the Local Boards Ordinance should not be repeated in the present Ordinance. Why should the discretion be removed? Why should you remove it today when you gave it in 1876? What has he done to justify your action? He is not incapable of exercising a just discretion even though we are now in 1892.

The Hon. the GOVERNMENT AGENT, C. P.:—I find I was mistaken in saying that the words had been taken from the Municipal Councils Ordinance the wording of which is slightly different to meet different circumstances; but I still contend that what is a wholesome provision in the Local Board Ordinance is a wholesome provision in this Ordinance.

The Hon. J. J. GRINLINTON:—I think, sir, it is a merciful provision, and I should be very sorry to see it expunged.

The Hon. A. DE A. SENEVIRATNE:—I do not ask for a division.

On clause 10 in the amended draft being reached,

The Hon. A. DE A. SENEVIRATNE moved the omission of the second sentence. "In his absence any person appointed in writing by the Government Agent shall preside at the meeting as *ex-officio* chairman." He said:—I think that when the law requires that the provincial board of health should be appointed by the Governor it would not be right to give the power to the Government Agent to appoint any person to preside over that Board. I do not say that with the present Government Agents any difficulty will arise, but one can quite conceive some disagreement arising between the Government Agent and some of the members, and if the Government Agent had the power to appoint not a member but any person he might appoint a subordinate clerk to preside over the Board, the members of which may be men like the Provincial Engineer and others as was mentioned. It will be very desirable indeed to omit that sentence and the members of the Board can elect their own Chairman. I move the omission of that sentence.

The Hon. the GOVERNMENT AGENT, C. P.:—I have no objection, sir, to offer to the deletion of these words.

This was agreed to.

The recommendations of the Sub-Committee with regard to the other clauses were adopted without discussion, and the Council then proceeded to the consideration of the schedule naming the towns which should be brought under the operation of the Ordinance.

The Hon. the GOVERNMENT AGENT, W. P.:—Sir, I cannot understand how Kaduwela got into this schedule and I move its exclusion.—Agreed.

Neboda was also omitted on the motion of the Hon. the Government Agent, W.P.

The Hon. W. W. MITCHELL:—I would like, sir, that in appointing these Boards of Health care should be taken to appoint, if possible, unofficial as well as official members. At present I believe—I speak under correction—the Boards of Health throughout the country are composed almost entirely, if not entirely, of official members. At the second reading of the bill I suggested that un-officials might be selected by Government where these were available. No doubt at times they would not be available in small communities, but I think wherever it is possible to have un-officials they should be appointed. I hope some promise will now be given.

The Hon. L. H. KELLY:—I think the Board of Health for the C.P. has already been appointed, I



quite concur with what the hon. member for the mercantile community has stated, but if my memory serves me right just before this bill went into Committee the Board of Health was gazetted.

The Hon. A. DE A. SENEVIRATNE:—The Governor can appoint two or more members under Ordinance 8 of 1866, section 2.

The Hon. the COLONIAL SECRETARY:—I think, sir, I may state as a general principle we are so pleased to have the assistance of unofficial members on these Boards we cannot have the slightest objection to give effect to the view expressed by the hon. member for the mercantile community.

The bill having passed through the Committee stage Council resumed, when the Hon. the Government Agent, C. P., reported the bill as amended and moved that it be referred to the law officers of the Crown.—Agreed.

#### APPROPRIATION OF UNCLAIMED BALANCES FROM LOAN BOARD.

Council went into Committee on "An Ordinance to provide for the further appropriation of certain unclaimed balances from the Loan Board," when the report of the sub-Committee was submitted recommending its adoption without amendment.

Council having resumed the Hon. the AUDITOR-GENERAL moved that the bill be referred to the law officers of the Crown, giving notice also that he would move the third reading at next meeting.—Agreed.

#### SURPLUS REVENUES.

Council went into Committee on "An ordinance to apply a portion of the surplus revenues of past years to works and services of acknowledged public utility," when the report of the Sub-Committee was submitted.

On the motion of the Hon. the AUDITOR-GENERAL it was agreed that the sum to be applied to the various public works specified should be R1,742,822, and that the sum of R9,191 for land, water, &c., to married quarters at Nawalapitiya should be deleted.

#### COLOMBO MUSEUM.

With reference to the vote of R40,000 for the extension of Colombo Museum,

The Hon. W. W. MITCHELL said:—I should like to know, sir, whether any provision has been made or is likely to be made for the upkeep of the new wing. I believe that the expenditure for the cost of the building may be comparatively small compared with the stocking and upkeep of it.

The Hon. the AUDITOR-GENERAL:—It is proposed that the wing which is to be added on the Library side of the Museum should chiefly contain additions to the Library on the lower floor, and on the upper floor to provide for exhibits which are crowded out of the other rooms in the Museum. I do not anticipate that any increase will be necessary in the staff for the maintenance of the Museum if this addition is constructed. We have already a staff for keeping up the Library, and with regard to the other exhibits there are the attendants. The only thing will be that the attendants will have to cover a little more ground. I have now to move the addition of several items to this bill—Extension of Gunpowder Magazine at Welikada R18,000; Police Barracks, Cinnamon Gardens, Colombo, R40,000; and the three items at the end of the report of the committee on the supply bill namely—extension of the Ella-Kandapola road to Namunakula gap (on account) R41,000; Spring Valley, Demodara road (on account) R50,000; and Passara-Madulsima road (on account) R50,000. The reason for transferring these items from the Supply Bill to the surplus funds bill is that the amount of the supply

bill must necessarily be less than the estimated revenue for the coming year, and with the additions that have been made to that bill in committee it is absolutely necessary to reduce something like R150,000 from that bill in order to keep our expenditure within our estimate. Very fortunately the surplus funds at the disposal of Government will admit of that sum being transferred from the one bill to the other. I also propose to add R25,945 for improvements to Hatton Station. With regard to these items I may explain that the magazine at Welikada is already full, and I dare say members of Council already know that some powder has actually been stored in vessels in the harbour as a temporary measure. It is hoped when the magazine is completed we shall have room for all the powder which it is necessary to store in Colombo. With regard to the police barracks at Cinnamon Gardens arrangements have been made for building a fairly large barrack capable of housing 25 policemen near the new race-course. The police as is well-known were promised barrack accommodation long ago, but the promise has never been fulfilled. Barracks have from time to time been made in Colombo, notably at Maradana and Kew; but the whole force in Colombo have never been properly housed. Arrangements have now been made for giving more accommodation and this building will be one of the sort. It will be necessary to have a force of police near the race-course and the Museum, and Government have a very suitable site at the place where it is proposed to erect this new police station. The three roads for which I have asked provision in this bill are all feeders of the Bandarawela Extension of the Haputale railway. They are all extremely useful and recommended by the local Planters' Association and the Government Agent of the Uva Province. For the Hatton Station a vote has already been given, but the amount is not sufficient to meet the improvements required, and therefore it is necessary to take this sum of R25,945. I move that these items be added to the bill.

The Hon. the GOVERNMENT AGENT, W. P.:—Is the hon. gentleman not rather anticipating sanction of the recommendation to transfer certain items from the supply bill, the report having merely been taken as read?

H. E. the GOVERNOR was understood to say that he thought it would be perfectly open to them to withdraw these items from the report.

The Hon. the AUDITOR-GENERAL:—I admit, sir, that I am anticipating that report; but the question will have to be decided by this Council some time or other, and if no member of Council has any objection it may as well be brought forward today. If any member of Council however would rather have the matter decided at some future date I am sure that Government will be very glad to let the matter stand over.

The Hon. the GOVERNMENT AGENT, W. P.:—I should like myself to have seen the money bills brought up together.

#### BAMBALAPITIYA STATION.

The Hon. W. W. MITCHELL:—I should like to ask, sir, with reference to the vote of R198,125 for additions and improvements to the Kollupitiya, Fort, Slave Island and Maradana Junction railway stations, whether the Bambalapitiya station has not been omitted by some mistake. The covering of Kollupitiya station is undoubtedly a work of very great utility, but I think Bambalapitiya is about as important a station, and that there are about as many passengers from it as from Kollupitiya. To leave a seaside station like that uncovered as it now is, exposed to the monsoon



weather and the sun, is a great mistake, and I hope it will be included along with Kollupitiya station.

The Hon. J. J. GRINLINTON:—I endeavoured to impress that same view on the members of the Committee, and mentioned that the Bambalapitiya station was a most important one. A vast number of clerks employed in public offices and in merchants' offices live near that station within perhaps half a mile or a mile. They all come in and out from that station, and in consequence of there being no cover they are liable to get wet. To have to sit all day in their offices in wet clothes is not merely uncomfortable, but actually dangerous, and I hope Government will see their way to do what I urged upon the members of the Committee, namely to include Bambalapitiya in the contemplated work.

The Hon. the AUDITOR-GENERAL:—The case of Bambalapitiya station was very ably pleaded in the Sub-Committee, and I can only state that it was with very great regret that Government found itself unable to improve all the stations at once. There was only a limited amount of money at the disposal of Government, and that R198,000 would not go any further than the arrangements that have already been made for improving four stations. If any members consider that the claims of Bambalapitiya are stronger than any of the four stations scheduled it will be open to them to move the deletion of one and the insertion of Bambalapitiya. I am afraid that in some cases we have already anticipated the vote for the work. With regard to the Slave Island station the Government Agent, I believe, is preparing to take up the land necessary for the improvement, and at Kollupitiya station the work has already begun. I trust members of Council will believe me when I say it is the earnest desire of Government to improve all the metropolitan stations as far as possible, and it is only for want of funds that Bambalapitiya has had to stand over this year. If Government has funds next year I am sure it will be just as desirous of improving Bambalapitiya as it is to improve the four stations in the schedule.

The Hon. P. RAMANATHAN:—I believe the Pettah Railway Station is to be improved next year.

H. E. the GOVERNOR:—There is an item for R35,000 in this bill for roofing and widening the Pettah platform.

The Hon. W. W. MITCHELL:—Surely Bambalapitiya station might have something done to it. The accommodation is not sufficient. I see it every day, and many passengers waiting for the train have to stand outside.

The Hon. the AUDITOR-GENERAL:—In order to keep this bill in the same stage as the supply bill with which it is intimately connected, I move now simply that the Committee report progress.

This was agreed to, and the Council resumed.

#### CONTINGENT SERVICES FOR 1893.

The Hon. the COLONIAL SECRETARY:—I move that we now go into Committee of the whole Council on "An Ordinance to make provision for the contingent services for the year 1893."

Agreed.

The Hon. Dr. ANTHONISZ begged to bring to His Excellency's notice the desirability of every precaution being taken to prevent the introduction of disease into the island by the Tamil coolies landing at Paumben, where, he thought, a thoroughly qualified medical man should be stationed, and where there should also be a proper disinfecting apparatus, a supply of pure water, and a store to supply the coolies with the necessary provisions, so that they might be looked properly after in

their persons, clothes and food. There should also be a trained man to accompany the Tamil coolies on their voyage from Paumben to the port of arrival, so that they might at once be treated and sent to hospital.

The Hon. the COLONIAL SECRETARY afterwards moved the adjournment of the consideration of this bill in Committee and that the Council resume.

The Hon. Dr. ANTHONISZ:—I should like Paumben to be placed under the supervision of the P. C. M. O., who might occasionally send an officer to inspect.

H. E. the GOVERNOR:—The question raised will stand over for consideration when the Committee resume at next sitting.

The Hon. P. RAMANATHAN:—What is the object of delaying the further progress of this bill?

H. E. the GOVERNOR:—We are going on with the orders of the day.

The Hon. P. RAMANATHAN:—But what is the object of postponing the consideration of the Supply Bill?

H. E. the GOVERNOR:—Simply because the time is getting rather short, and we want to get to the end of the orders of the day as early as possible.

Consideration of the bill was accordingly postponed, and the Council resumed.

#### THE RATES ON REAL PROPERTY.

The next item on the agenda was the adjourned debate on the second reading of "An Ordinance to remove doubts as to the purposes towards which the rates on real property may be applied by the Municipal Council of Colombo."

The Hon. J. J. GRINLINTON:—On the last occasion, sir, I said all I had to say on the subject, and my hon. friend the Attorney-General asked permission to postpone consideration of the bill as he was not then prepared. I am now prepared to hear what he has to say on the subject.

The Hon. the Acting ATTORNEY-GENERAL:—The matter has been under the consideration of Government, and I am authorized to state that Government is prepared to allow the measure to go to a sub-Committee, and in that Committee any points may be raised, and it will be decided whether we shall proceed with the bill or withdraw it altogether. (Applause.) I move the second reading of the bill and that the Council go into Committee on the bill for the purpose of enabling me to move the appointment of a Sub-Committee.

The Hon. J. J. GRINLINTON seconded, and the second reading was agreed to.

Council went into Committee, when the following Sub-Committee was appointed on the motion of the hon. the Acting Attorney-General:—The Hons. the Auditor-General, J. J. Grinlinton, A. de A. Seneviratne, and the mover.

#### THE SUMMARY PROCEDURE BILL.

The Hon. the Acting ATTORNEY-GENERAL:—I would now, sir, with your permission resume the adjourned debate on the second reading of "An Ordinance to empower Police Magistrates to try certain offences in a summary way." Unfortunately I was not present in Council when the debate on this bill was opened by the hon. member, representative of the Sinhalese of the maritime provinces, but having carefully read through the speeches of the unofficial members on that day, I have been struck with the fact that none of the unofficial members have ventured to suggest that our Criminal Procedure Code does not require amendment. On the contrary the hon. member, the representative of the Kandyan community, gave it as his most emphatic opinion that the procedure of our minor Courts ought to be simplified. That testimony, com-



ing as it did from a native gentleman who has had experience as a magistrate and who, whilst acting as a magistrate, has always given satisfaction to the public, is a sufficient justification to Government in introducing the bill now before the Council. If however that testimony does not satisfy the members of this Council I would venture to ask them to pardon me whilst I, as briefly as possible, relate the course of procedure which has now to be adopted in our Police Courts in the trial of the most trumpery and trifling cases. A person is charged with being drunk and disorderly or with having committed a nuisance. The Police Magistrate has, in the first instance, to explain to him the nature of the offence with which he is charged. He has then to ask him whether he claims to be tried or not. On that the accused may make any statement he chooses. Should he make a long and rambling statement the provisions of the law are that the Police Magistrate should record at full length the statement made in respect to the person who is charged with, perhaps, having committed a nuisance. After that statement is made, if it appears that the accused claims to be tried, the Police Magistrate has then to proceed to hear the evidence for the prosecution. The evidence of each of the witnesses called for the prosecution in this trumpery case, the examination-in-chief, the cross-examination, and the re-examination, has to be recorded at length. If the magistrate then thinks that an offence has been committed he has virtually to commence the trial *de novo* by framing a charge, and he has to call upon the prisoner to know whether he is to plead guilty or not guilty to that charge. In the event of the prisoner pleading not guilty the Police Magistrate has probably to record further evidence for the prosecution, which means that he has to record at full length the examination-in-chief, cross-examination, and re-examination of the witnesses. He has then, if he is of opinion that an offence has been committed by the accused, to call upon him to make the statutory statement. That statement may probably be longer than the first one made by the accused and the Magistrate has to record it at full length; and if the accused wishes to call evidence for the defence the Magistrate has to record verbatim the examination-in-chief, cross-examination, and re-examination of each witness for the defence. After the whole of this procedure has been taken the Magistrate probably fines the accused or discharges him and tells the policeman to take him out of Court. The result of all this is that most valuable time of the Magistrate is consumed in hearing the most trivial cases, that cases where the accused are charged with more serious crime are frequently postponed from day to day. I would appeal to my hon. friend who represents the Tamil community who is a member of the English bar, and ask him if he ever heard in England of such lengthened procedure in the trial of the most trivial offences. I go further and ask him whether in any other colony or in any other civilized country in the world, the time of Judges and Magistrates is wasted by a procedure so long and tedious as this in the case of the most trumpery offences; and I would ask him further to tell me what procedure other countries require in cases of this nature—whether it is required that the evidence given by the witnesses in examination-in-chief, cross-examination and re-examination should be recorded verbatim by the Magistrate. It, certainly, as my hon. friend knows, is not the case in India from whence we borrowed our present procedure.

The Hon. A. DE A. SENEVIRATNE:—It is not the practice here either to record verbatim.

The Hon. the Acting ATTORNEY-GENERAL:—When the hon. member has the opportunity of addressing the Council he will probably point out the section which does not require that the evidence should be recorded at full length. As I said it is not the case in India, and it will be found that there provisions exists very similar to those in the bill now before the Council. It has been asked—why do we look to India for legislation? The answer is that this Council in 1883 accepted as the basis of the criminal procedure of this colony the law that had been found to answer so well in India. Naturally the draftsman of this bill looked to the Indian procedure to see what provisions in the Indian bill were wanting in our act which would simplify the procedure, and he found the procedure which is now before Council was in force there—actually carried to a larger extent in India, including a larger class of cases, and giving the Magistrates greater powers than are contained in the present bill. Seeing the delay occasioned in the administration of justice by the present procedure in the most trumpery cases I trust the members of this Council will vote for the second reading of this bill. As already stated when this bill goes into Committee I will undertake on behalf of Government to provide that it shall only operate for one year; and I am further prepared to give an undertaking on behalf of Government that during that year its provisions will only be extended to Kandy, Colombo and Galle.

The Hon. P. RAMANATHAN said:—I am glad, sir, that I have had the opportunity of hearing my hon. and learned friend's exposition of the subject now before the Council, as I now see his standpoint of view much better than I did before. He need not have appealed to the hon. the Kandyan member's experience to prove his contention that the existing criminal procedure is very cumbersome and unsuited to the requirements of the country. Had he turned to the proceedings of the Council in 1883, had he consulted the pages of the local *Hansard* for 1883, he would have found that almost all the unofficial members had opposed the passing of the Criminal Procedure Code on the ground that it was far too complicated. It had been drafted during the administration of Sir James Longden, but neither the draftsman of the Code, Sir Bruce Burnside, nor the Governor who accepted the responsibility of it, was in Council when it was being carried through Council. It fell to Sir John Douglas to undertake this duty conjointly with Mr. Fleming, both of whom avowed themselves on many occasions to be unequal to the task of justifying its provisions without reference to the framer of the bill. Consequently the Code was passed by the sheer weight of the official majority, who were regardless of the cry of the unofficials that the machinery of the Code was as cumbersome as it was unnecessary. I am therefore quite agreed with my hon. and learned friend that it is most desirable to amend and simplify the criminal procedure now in existence. But does he pretend to say that the bill now before us does away with, or modifies in any respect the complicated provision of the Code? It professes to empower Police Magistrates to "try certain offences in a summary way," but beyond that profession, it does very little. What it does is to relieve Magistrates of a great portion of the mere manual labour of writing out the proceedings had in each case. It does not dispense with a single step of the cumbrous procedure itself. My



hon. friend challenged me to deny that the Code was cumbersome. I admit it unreservedly, and ask him in return to show me how he has simplified it. Let him put his finger on any of the six clauses of this bill and point out wherein it is that he has attempted to repeal or modify a single step of the cumbrous procedure we all complain of. Sir, he can't do it, because, whatever the bill may profess to do, my hon. friend has done nothing to simplify the procedure itself. It is no summary procedure bill at all which has been presented to us, but a bill to relieve Magistrates of the duty of recording all that had been done in terms of each of the cumbrous provisions of the Code. Instead of attempting to simplify the procedure, my hon. friend has helplessly, and ruthlessly, laid the knife at the very foundation of those safeguards which ensure the regularity of judicial proceedings and secure the liberty of the subject. Hon. members need not be surprised that this is the true scope of the bill. They should not be led away by the story in the preamble that it is a summary procedure bill, even as I and my hon. friend who represents the Sinhalese (Mr. Seneviratne) were by those delusive words. It took us ninety minutes to comprehend the real purport of the bill. My hon. friend the Attorney-General has missed the standpoint of the bill if he denies that, far from simplifying the procedure, it relieves Magistrates of the manual labour of writing only. The second clause of the bill is explicit. It says: "In trials under this Ordinance, the procedure prescribed in the Criminal Procedure Code 1883... shall be followed, subject to the provisions hereinafter contained;" and what those provisions are appear in clause 3 which provides that "the Magistrate need not record the evidence of the witnesses or frame a formal charge." It will therefore be apparent that the bill perpetuates the cumbrous procedure of the Code but dispenses with only the labour of recording the evidence and of framing a formal charge. My learned friend has been going to the unofficial members giving personal explanations and trying to win them over to his side. That is just what each of us do. This is a matter which the Attorney-General, the Sinhalese member and myself may understand but unfortunately we are not at all lawyers, and while the Government must be content to be ruled by the Attorney-General my colleagues can only appeal to myself and the Sinhalese member. If, then, what have said is the true scope of the bill, the issues for our consideration are narrowed to a simple point: in the interests of regularity of judicial proceedings and of the liberty of the subject, is it better to do away with the safeguards offered by the system of recording what is necessary to be recorded, or to give to each Magistrate a clerk who knows shorthand to record the proceedings he is obliged by the Code to go through? It is not difficult to answer this question, considering that it is the intention of the Government to give the privilege of not recording the proceedings in full to only three Magistrates, viz. those of Colombo, Galle and Kandy. Three shorthand clerks at R75 a month would cost no more than R2,700 a year. Can it be said that this Council would prefer to see judicial proceedings drifting into gross irregularities and the liberty of innocent persons endangered by hasty or slovenly trials, rather than to vote R2,700 for the maintenance of a few shorthand clerks? I hope not. But of course my hon. friend may ask me "Why do you presume that our magistrates would be irregular, hasty or slovenly?" Surely as a practising lawyer he ought to know with what frequency our Magistrates

have been condemned by the Supreme Court for such errors. I shall not refer to Magistrates in general, but would confine my attention to the "model" magistrates who are called upon to occupy the bench in the Police Courts of Colombo, Kandy and Galle, and to whom only it is intended to give the privilege of not recording the proceedings. Here is a case of that which went up in appeal from the Police Court of Colombo, case No. 16,789, decided by the Supreme Court on the 11th August 1891. It shows that an unfortunate man had been wrongly convicted on no evidence at all, and that the Colombo Magistrate paid no heed to the provisions of the Code. Sir Bruce Burnside said:—

These proceedings are too irregular to be affirmed. The plaint alleges an offence of theft, against sec. 367 of the Code.

I cannot find that the particulars of the offence were ever explained to the accused, or that they ever interrogated as required by law.

The evidence in the case, if the matter to which the witnesses have testified in the bald manner in which it is recorded can be called evidence, alleges an offence against sec. 368 of the Code.

No charge was framed, nor can I find that the accused were called on after the usual warning to make a statement. Then, at the close of the case the Magistrate records:—"1st and 2nd accused are convicted of the charge," and whether of the offence stated in the plaint, or the offence disclosed by the evidence, does not appear. Then, before there is any evidence of the fact, if it be a fact, the Magistrate records (the 1st accused has been previously convicted of theft of a goose), and he proceeds to hear the complainant on oath on the record already made against the accused. The complainant swore that the accused was convicted of stealing geese. A prisoners' overseer swears he was convicted of stealing a goose, but no certificate or warrant was produced such as is required by sec. 471 of the Criminal Procedure Code and the evidence is utterly insufficient to prove the conviction.

If appeals to this Court from Police Courts are to have any useful object it must be to ensure that the procedure should be orderly to follow at least to some material extent that which the law had prescribed, and by which the guilt or innocence of accused parties is to be tested.

I quash all the proceedings subsequent to the plaint.

Does my hon. friend the Attorney-General mean to say that after the bill we are now considering is passed, the Magistrate will be freed from the duty of adhering to these rules of procedure which the Code enjoins on him? Or does he say that this model Magistrate, who was so careless as to neglect the provisions of the Code even with the recollection that his own record would reveal to the Supreme Court his irregularities, would try cases consistently with the provisions of the Procedure Code when he is given the chance of trying cases without a record? Let me cite another case decided by another "model" Magistrate. This case, bearing number 13,499, came up in appeal from the Kandy Police Court, and was reversed by Mr. Justice Lawrie, as follows:—

This is a case of which the Magistrate, I think, is a little ashamed, and in which he almost invites a reversal by this Court.

A Tamil man and his wife were found in possession of an old gunny bag, which bore marks which showed it had at one time belonged to the Kandy Post Office. The 1st accused said he picked it up in a field. The magistrate charged the accused with two offences, (1) theft and (2) dishonestly receiving and retaining stolen property, knowing the same to have been stolen.



There was absolutely no evidence, that either offence had been committed, because there was no proof that the bag in question had been stolen from its owner. No one from the Post Office was called to identify the bag, nor to say when it was last used, nor that it ever had belonged to, or was held or used by, the Post Office. The Magistrate found the 1st accused guilty both of theft and of dishonest receiving and retaining. I need hardly say that this double verdict and conviction was wrong. After sentencing him to a months' rigorous imprisonment, the Magistrate, pricked I think by conscience, added, "that the case was not a satisfactory one . . . the accused no doubt knew that he had no business to possess the bag which is, however, all that can be said."—If that be all that can be said—the man ought to have been acquitted.

Hon. members will perceive that here a poor Tamil man was convicted and sentenced to a month's rigorous imprisonment, though there was no evidence at all against him, and yet it is proposed to do away with the record of evidence, by means of which alone the Supreme Court can ascertain whether there is sufficient evidence against the accused, and whether the conviction is justifiable or not. Take another case, a case from the third "model" Court to which we are asked to give the privilege of not recording the evidence, a case from the Police Court of Galle, bearing number 7,571, which came up in review before the Supreme Court on the 18th August last. The conviction of the unfortunate man was set aside by Mr. Justice Withers on the ground that the evidence recorded by the Magistrate was wholly insufficient to convict the accused. Hon. members will thus see how frequently cases are taken in review before the Supreme Court, from even "model" Courts such as Colombo, Kandy and Galle, on not only questions of irregularity and law, but of sufficiency of evidence. Errors on the part of Magistrates in these respects would continue so long as they are men untrained to law. The art of recording relevant evidence, of estimating the sufficiency of evidence and of considering questions of pure law must be learnt under the instruction of practical lawyers. If Magistrates are not to have this professional training, they will always be liable to serious error. Some of them appreciate the difficulties of their position very keenly. The other day, for instance, a Magistrate who occupies the position of a District Judge complained to me how hard it was to bear with even mind the strictures of the Supreme Court, when that court knew as well as the Magistrates what little legal training they have had, and how utterly impossible it is for them to do more than they have done, in view of the system of appointing judicial officers out of a service for which is not provided a regular study and practice of the law.

The Hon. the GOVERNMENT AGENT, W. P. :—Name, name, please.

The Hon. P. RAMANATHAN :—I cannot name him here; but, if you care to know, I shall tell you privately. To continue, the knowledge and practice of the law which young Civil Servants are expected to gain in such model courts as the Police Courts of Colombo, Kandy, and Galle cannot be of a high order, and when such men are called upon to decide cases upon their own responsibility, they naturally are guided by such ideas and standards as they have been able to copy in those "model" Courts. In all cases therefore where suitors have the right to appeal, that is, in all questions of irregularity of procedure questions of pure law and questions of sufficiency of evidence a complete record is absolutely necessary. It is inexpedient in the highest degree

to fritter away their right to carry cases before the Supreme Court, by cruelly emasculating the record of such cases. I can understand the logic of having no record at all, or only a few memoranda, in cases where no appeal is allowed, but I fail to see the justice or fairness of denying to suitors a full record, after vesting them with the right of appeal. The short notes which the Magistrate is called upon by this bill to make by way of record, in cases where a notice of appeal has been given, would be utterly useless for the purpose, especially where the subject of appeal is a question of irregularity of procedure or sufficiency of evidence. But is it possible for the Magistrate, 24 hours after he has heard the case, to make a fair record of the evidence of each of the witnesses called? A Magistrate may have tried some 20 cases between 11 a.m. and 5 p.m. Supposing the case going in appeal was heard by him at 11 a.m. on 16th November, the party aggrieved by the order of the Magistrate, would have 24 hours to make up his mind to appeal, his notice of appeal would thus be due at 11 a.m. on the 17th. The Magistrate would be bound to make a record then, but he could not, because he has first to dispose of the 20 cases or more awaiting trial on the 17th. On the evening of that day he would sit to make the record, but by that time the 20 cases he had heard on the 16th, and the 20 more he had heard on the 17th, would come whirling up in his brain in the greatest confusion, and how could he be expected under such circumstances to make a true record of what each witness said or did? The Magistrate is almost certain to go wrong, even if he relied on the help of his interpreter or chief clerk, and the aggrieved suitor will be justified in contradicting the record by his own affidavit or by that of his counsel. And what would the Supreme Court do in such a case? Believe the Magistrate's record, made as it was under circumstances clearly suggestive of error, or believe the suitor's affidavit, who having his own case to recollect may be reasonably presumed to be more accurate? What would then become of the rule of evidence that records of courts could not be contradicted? Not to allow them to be contradicted under such circumstances would be obviously unjust. My hon. friend, the Attorney-General, asked me whether cases were not disposed of in England and in India without full records? Certainly, but then they have a really summary procedure there, which we have not; and where evidence is not recorded, appeal does not lie in cases of irregular procedure or insufficiency of evidence; and furthermore, when an Englishman tries an Englishman, or an Indian an Indian, he is not liable to go wrong in the weighing of the evidence or the awarding of the sentence, for he has the necessary experience of the country, which a young Civil Servant in Ceylon does not possess. For these reasons, sir, I am unable to agree to the second reading of this bill. If my hon. friend had come forward with a measure simplifying the cumbrous procedure of the Code, I would have gladly supported him, but he does nothing of the kind. He wants us to do away with records which I have shown are absolutely necessary for the exercise of the right of appeal in cases where irregularity of proceedings and insufficiency of evidence are complained of, and where questions of pure law arise. Purely legal questions may be stated easily enough by Magistrates, but a full record of the actual proceedings of the day are indispensable to enable the Supreme Court to judge whether the evidence led is sufficient or not, and whether the provisions of the Code have been followed or not. I see no good in giving a trial to a measure so



radically objectionable. I feel I have spoken warmly but it was in the interests of justice and the liberty of the subject, and I beg the indulgence of the Council. My convictions are strong on this subject, and I cannot but oppose the bill as it stands.

The Hon. ABDUL RAHIMAN rose to address the Council.

The Hon. the Acting ATTORNEY-GENERAL questioned whether the hon. gentlemen could speak again, this being merely the adjourned debate.

H.E. the GOVERNOR (addressing the Muhammadan representative):—It will not be in order for you to speak again on this matter, you having already spoken.

The Hon. M. C. ABDUL RAHIMAN:—I did not speak on this question.

H.E. the GOVERNOR:—You have already spoken on this motion, and the rules of the Council do not allow a member to speak more than once on any motion except the mover.

The Hon. ABDUL RAHIMAN:—I recollect the other day I made only a few remarks—(Order, order.)

The Hon. T. B. PANABOKKE:—I wish to ask Your Excellency whether, if we choose to vote contrary to what our views were on the first occasion, we shall have an opportunity of explaining the change that has taken place between this and the last debate.

H.E. the GOVERNOR:—By way of explanation I think it might be done. (Addressing the Muhammadan representative he also said.) By way of explanation of what you may have previously said in debate, and with the permission of Council only it will be permissible for you to speak.

The Hon. M. C. ABDUL RAHIMAN said:—The general public are suffering at the hands of unprincipled and untrustworthy domestic servants, and in fact, crimes of all sorts are daily increasing. The evil is the technicalities of the present code, and also the negligence of the police. I am gratified to see a workable Ordinance to save Her Majesty's subjects from the abuse now prevailing in the Colony. It is not uncommon for the guilty persons to escape and the innocent to be punished, while it is a difficult thing for any inexperienced magistrates to determine the facts of a case brought before him. As to the suggested undertaking that the provisions should only be applicable to the experienced magistrates of Kandy, Colombo, and Galle, undoubtedly these men are most experienced and able persons, and could at once detect the merits of a case, and I am therefore, perfectly satisfied with the guarantee now offered by the Attorney-General. As for the limitation of one year, it looks something novel, and therefore I would suggest that the Bill should be made permanent, and introduced to other portions of the Colony whenever the Governor should think proper. It is a serious difficulty to arrive at the difference between evidence and facts. The issue of fact is actually the truth, even the jury determining their verdicts upon the facts. Now we have a distinguished visitor in the city who claims that he was born in a certain house. It is a fact, but where is the evidence to prove it? I have had some experience of the value of the evidence that was given by persons before the courts of justice. Now is not the proper time to say much about the evidence given, but a wide way is opened to a disregard of oaths. Only Christians are bound to swear upon the Bible, and the others are left free, with a warning of affirmation, which does not impress the witness as possessing any sanctity.

The Hon. T. B. PANABOKKE:—Sir, the hour is getting late, and perhaps I shall have the opportunity of explaining myself when the

bill goes into Committee. If, however, Your Excellency thinks that this is my opportunity I shall do so now.

H.E. the GOVERNOR:—Yes, by way of explanation I think you have the opportunity now.

The Hon. T. B. PANABOKKE:—At the last meeting of Council, sir, I opposed the second reading of this bill, but now it is my intention to support the motion, and I think that some little explanation is required from me as to the change that has taken place in my views. I have considered the bill with greater attention since notice was given of the second reading; and with the promise held out by the hon. the Attorney-General that this would only be a tentative measure and would also be limited to the towns of Colombo, Kandy and Galle, the primary object being to simplify the cumbersome procedure of our courts, I am now inclined to support the motion before the house. It has been a matter of great anxiety to me that the great delays in the administration of justice should be curtailed whenever possible. My hon. friend the representative of the Tamils told us that he and the member who represents the maritime Sinhalese are the only competent persons to advise us on this bill. (The Hon. P. RAMANATHAN:—Not at all.) Oh, I beg your pardon. I at least was under the impression you said that being lawyers you were more competent than unprofessional men. I believe that to be the gist of your statement, and I wish to take exception to that rule. I have no doubt, sir, that lawyers are more competent than unprofessional men to speak on matters of law, but at the same time we unprofessional men have a right to speak of our experience (Hear, hear) and to ask for what we think is suitable to the people. (Hear, hear.) With no great knowledge of law I think I may presume to ask Government to give us as a simpler mode and a more speedy way of settling petty differences. My hon. friend who professes law, and I must say is a very distinguished member of the profession, will perhaps allow me to say that I think it is a cardinal maxim of the profession that a speedy settlement of cases is to the interest of the State. I will not venture to quote the Latin words but I think that is the meaning of the well-known maxim. Therefore what I ask from Government is that they may be pleased to simplify procedure and provide that there shall be less waste of time in adjudicating on small matters like those that are proposed to be dealt with in this ordinance. I have gone through every clause to which reference has been made in the bill before the Council, and I am satisfied that all those clauses deal with offences which are not of such great magnitude as would entail all the consequences that are foretold by my hon. friend who represents the Tamils. Besides instances are not wanting where extraordinary evils have been met by extraordinary remedies. For instance we have ordinances dealing with cattle stealing and coffee stealing, and matters referring to paddy cultivation have been specially dealt with. What has been the consequence? The consequence has been that greater facilities have been afforded to paddy cultivators and those who are interested in the various products and that no great calamity has befallen them. I remember, sir, when the bill about coffee stealing was passing through this Council that one hon. member who opposed it in very homely language said that the natives would have to cut down their coffee trees, but we have had that ordinance working for 15 or 20 years without such a calamity occurring. Therefore I am quite prepared to think that the remedies that are proposed to be applied by this ordin-



ance will also be productive of good. It is said that when a record has to be made the Magistrate will be in a position that he will record things that did not take place in court, but my experience is that such occurrences, if any, will be few and far between. We must place a certain amount of confidence in the officers to whom this measure is to be entrusted, and I have no doubt that justice will be done. I think I shall not detain Council any longer, and with these remarks I have pleasure in supporting the motion before the house.

The Hon. the Acting ATTORNEY-GENERAL:—With the permission of Your Excellency I would like to offer a few words in reply to what has fallen from the hon. member for the Tamil community. In so doing I would venture to point out to him that he has accepted the principles of the bill, that is to say he has accepted the position that our law does require amendment with regard to trivial cases. He says that the procedure laid down by this bill does not modify the procedure laid down by the Procedure Code. Now, sir, it modifies the procedure most distinctly.

The Hon. P. RAMANATHAN:—I said it modified it with regard to recording evidence and framing a formal charge.

The Hon. the Acting ATTORNEY-GENERAL:—It modifies it to a greater extent than that. It provides what the record is to be. That provision takes out the statement made by the accused twice before the Court during the trial. It takes out the duty of the Magistrate to record at full length the plea on two occasions. It takes out the duty of the Magistrate to record the examination-in-chief, the cross-examination, and the re-examination of each of the witnesses. It in fact takes out the very things that prolong the trial. It removes the necessity for those things which have hampered our Magistrates in the execution of their duty. He has cited certain judgments of the Supreme Court with regard to certain Magistrates. Unfortunately I have not had the opportunity of looking into any of these particular cases, but I would point out that as long as the Magistrates are over-burdened with work it is not to be wondered at that certain provisions which are laid down in the Code are not carefully followed by them, and it is with the object of relieving the Magistrates from these provisions in trivial cases and enabling them to be more careful with cases that go in appeal that this ordinance has been suggested. My learned friend has cited particularly one case where the Judge pointed out that the Magistrate himself seemed to think that it was a case that should go in appeal. A Magistrate can allow a case to go in appeal under the provisions of this bill. He also said that the stating of a case in the way provided in this bill was an unfair procedure. He, sir, has had experience as a member of the bar and must know that no cases go in appeal from the Magistrates or Judges in England except on cases stated by the Magistrates or Judges. That is the criminal procedure of the English Courts. Now, sir, has it ever been said that such records could be challenged or have they ever been challenged. Is it to be thought that Magistrates are likely to falsify the record or not to make a true statement of the evidence led before them? The hon. member complains, sir, that the accused are allowed to give 24 hours' notice. Such notice will not be given in every single case. How many cases go in appeal where the accused are only sentenced to one month's imprisonment or fined R25. In how many of such cases does a question of law arise? In how many such cases does the Magistrate allow an appeal? I say very few, and in this case under this bill the Magistrate has still the power to state a case for appeal. He says the Judges would not be able to look into the evidence and would not be able to

tell whether the Magistrate had exercised a right discretion. They cannot do it at the present moment in England.

The Hon. P. RAMANATHAN:—Not sufficiency of evidence but a question of law.

The Hon. the Acting ATTORNEY-GENERAL:—The words used were that the Magistrate was justified in believing the evidence. He has now changed his position. At the present moment there is only an appeal by leave of the Magistrate and on a question of law, and on a question of law the Court will decide whether the evidence is sufficient or not. I have every confidence in our Magistrates, and I believe that most of the members of this Council, many of them brother members of the same service have also confidence in them. It is not to be considered that the members of this service will make a false record to the Supreme Court as has been suggested. (The Hon. P. RAMANATHAN:—Certainly not.) It has been suggested that the accused parties or their proctors will be able to swear affidavits that the record of the Magistrate is incorrect. If they did swear such a thing the Supreme Court would reject their affidavit. When a case is stated in the English Courts the judges never go behind the statement of the case; and I do not see why our Magistrates should not be entrusted with the same power. I have been short owing to the lateness of the hour, but I felt that the points raised by my learned friend deserved answering, and I hope I have answered them to the satisfaction of the Council.

The Hon. L. H. KELLY:—Sir, in giving my vote as I did on the last occasion I did not intend for one moment to throw any reflection upon the Magistrates who administer the laws of this country, and I regret that the Attorney-General dwelt so much upon that. I adhere to the opinion I had before, and I give my vote against this bill, but it certainly is not intended in the slightest degree to reflect on our Magistrates.

The Hon. P. RAMANATHAN:—I wish to explain sir, that I never meant to pass any reflection on our judiciary but only the possibility of their falling into errors of law and acts consequent on the duty cast on them by this bill to record a summary of the case 24 hours after the actual proceedings had taken place.

A division then took place as follows:—

Noes. (4).		Ayes. (13).	
The Hon.	L. H. Kelly	The Hon.	T. B. Panabokke
"	" A. de A. Seneviratne	"	" J. J. Grinlinton
"	" Dr. Anthonisz	"	" W. W. Mitchell
"	" P. Ramanathan	"	" Abdul Rahiman
		"	" the Principal Collector of Customs
		"	" the Surveyor-General
		"	" the Government Agent, C.P.
		"	" the Government Agent, W.P.
		"	" the Treasurer
		"	" the Auditor-General
		"	" the Attorney-General
		"	" the Colonial Secretary
		"	" the Commander of the Forces

H.E. the GOVERNOR accordingly declared that the second reading had been agreed to by 13 to 4.

#### THE ADJOURNMENT

The Hon. the COLONIAL SECRETARY then moved that the Council do adjourn to Wednesday next at 3 p.m.

The Hon. the AUDITOR-GENERAL moved that the hour of meeting be 2.30 p.m., as they had the report of the Committee on the supply bill to



consider and they had been sitting very late on that occasion in consequence of meeting at 3 o'clock.

The Hon. W. W. MITCHELL objected to 2-30 p.m. as next Wednesday was mail day.

A division was taken as follows:—

Ayes. (14).	Noes. (3).
The Hon. T. B. Panabokke	The Hon. J. J. Grinlinton
" " A. de A. Seneviratne	" " W. W. Mitchell
" " L. H. Kelly	" " Abdul Rahiman
" " Dr. Anthonisz	
" " P. Ramanathan	
" " the Principal Collector of Customs	
" " the Surveyor-General	
" " the Government Agent, C.P.	
" " the Government Agent, W.P.	
" " the Treasurer	
" " the Auditor-General	
" " the Attorney-General	
" " the Colonial Secretary	
" " the Commander of the Forces	

H. E. the GOVERNOR accordingly announced that the amendment had been carried by 14 to 3, and that Council would meet next Wednesday at 2-30 p.m. Council rose at 6-15.

### WEDNESDAY, NOVEMBER 23, 1892.

*Present:*—His Excellency Sir Arthur Elibank Havelock, K.C.M.G., the Governor, who occupied the chair, The Hon. Lt.-Col. Churchill, Commander of the Forces; Sir E. N. Walker, Colonial Secretary; C. P. Layard, Acting Attorney-General; J. A. Swettenham, C.M.G., Auditor-General; G. S. Williams, Acting Treasurer; Colonel F. C. H. Clarke, C.M.G., Surveyor-General; A. R. Dawson, Government Agent for the Western Province; P. A. Templer, Government Agent for the Central Province; R. Reid, Acting Principal Collector of Customs; P. Ramanathan, C.M.G., Tamil representative; J. J. Grinlinton, general European representative; Dr. P. D. Anthonisz, C.M.G., Burgher representative; W. W. Mitchell, Mercantile representative; M. C. Abdul Rahiman, Muhammadan representative; A. de A. Seneviratne, Sinhalese representative; T. B. Panabokke, Kandyan representative; also Mr. H. L. Crawford, Clerk of the Council.

*Absentees:*—The Hon. L. H. Kelly, Planting representative.

The minutes were read and confirmed.

#### ASSENT TO ORDINANCES.

The Hon. the COLONIAL SECRETARY intimated that His Excellency the Governor had assented to the two following Ordinances:—

No. 16 of 1892, "An Ordinance to consolidate and amend the law relating to the granting of exclusive privileges to Inventors"; and No. 17 of 1892, "An Ordinance to exclude from Customs Duty official supplies consigned to certain Consular officers of foreign countries."

#### MESSAGE FROM THE GOVERNOR.

The Hon. the COLONIAL SECRETARY submitted the following message from the Governor:—

#### MESSAGE TO THE LEGISLATIVE COUNCIL.

A. E. HAVELOCK.

The Governor has the honour to present to the Legislative Council printed papers containing the Report of

the Committee appointed to consider a site for a Graving Dock for Colombo, and correspondence with the Secretary of State relative to the Northern Arm and Graving Dock.

By His Excellency's command, E. NOEL WALKER, Colonial Secretary.

Nov. 23, 1892.

#### PETITIONS AGAINST THE SANITARY RATE BILL.

The Hon. A. DE A. SENIVIRATNE:—Sir, I have to present a petition from the people of Panadura which is signed by a Committee who were appointed at a meeting of the inhabitants held on the 21st inst. setting forth that there was some misunderstanding on the part of the Government Agent, W. P., when he stated to this Council that Panadura wished the sanitary rate bill to be introduced into that town. I also present a petition from the inhabitants of Moratuwa which is signed by 2,010 persons praying that Moratuwa should be left out of the schedule of the sanitary rate bill.

#### THE SANITARY RATE BILL.

The Petitions were as follows:—

To His Excellency, The President and the Hon'ble members of the Legislative Council of Ceylon:—

The humble petition of the undersigned Respectfully sheweth as follows:—

The petitioners are inhabitants of the 19 hamlets which constitute the village of Moratuwa.

From certain remarks made by the Government Agent of the Western Province some time ago on the occasion of a visit to Moratuwa for the purpose of introducing the Village Communities Ordinance and from the discussion of your Hon'ble Council in connection with the Small Towns Sanitary Bill, the petitioners have reason to believe that if the said bill be passed, Moratuwa would be one of the first places which would be brought under its operation.

The petitioners therefore respectfully beg to bring to your notice certain objections against the provisions and the general scope of the said Bill and to protest against its introduction into their village in the event of its being passed.

The evils which the Bill attempts to remedy have been already provided with remedies by the Contagious Disease Ordinance No. 8 of 1866 and the Nuisance Ordinance No. 15 of 1862: and the most important respect in which the Bill before your Hon. Council differs from them is in the provision for the establishment of a fund of which the members of the Provincial Board of Health are constituted trustees, and which they are empowered to apply for the Sanitation and conservancy of the villages and towns in the province brought under the operation of the Ordinance.

The Petitioners would humbly submit that it is most objectionable in principle to place the administration of such a fund raised locally for local purposes in the hands of a body in the election of whom the people taxed have no voice and who would from the circumstances of the case be resident at a considerable distance from the locality in question.

The Provincial Board of Health cannot have the necessary local experience which is necessary for the proper discharge of the various duties cast on it and there will be presented the anomaly of outsiders who have no interest in a village, and no knowledge of its wants and necessities deciding from a distance what is good and what is bad for the inhabitants.

If the members of the Board wish to acquaint themselves personally with the wants of the village a large sum would have to be spent out of the fund for travelling expenses. If on the other hand they wish to obtain from others the information necessary for the proper discharge of their duties the headmen who would naturally be selected to furnish such information would be placed in a position to exercise considerable oppression on the people.

The Petitioners have remarked with satisfaction that the Sub-Committee appointed by your Hon'ble Council



have in their report recommended the omission of Clause 10 of the Bill on the ground that it is vexatious but they beg to point out that the provisions contained in the 11, 12, 13, 15, 18, 21, 23, and 24 sections are equally vexatious and, if strictly enforced, would needlessly interfere with the rights of property and the liberty of the subject.

The Petitioners beg to point out that the objects for which the said Clauses are intended are better provided for by the penal Clause of the Nuisance Ordinance, and the Contagious Disease Ordinance and what is required is not that power should be given to the Board of Health or its Officers to enter upon private property and vexatiously interfere with private rights, but the appointment of Officers in each locality to prosecute persons who commit breaches of the Sanitary laws already in force.

The Petitioners need hardly point out what an engine of oppression would be placed in the hands of the petty officers who would be authorized by the Board of Health to carry out the said provisions; whereas if prosecutions were instituted in case of nuisances the accused would have a fair trial before a public Court of Justice.

The Petitioners would humbly submit that whereas agricultural villages have been benefitted by the abolition of the paddy tax the inhabitants of Moratuwa who largely consume imported rice have not participated in the relief given to their more fortunate brethren and if the rate proposed by the said Bill be levied from their lands their position would be made much worse than that of the Goyas under the Paddy Tax and all the evils which resulted from the latter impost are sure to revert in a much more acute form in connection with the Sanitary rate.

Passing from the general objections to the proposed Small Towns Sanitary Ordinance to the circumstances and needs of the village of Moratuwa the Petitioners would point out that Moratuwa is in no respect an insanitary place being far ahead of the Metropolis itself in that respect as is seen from a comparison of the death rates of the two places. The death rate for the last 3 years of Moratuwa was rather under 15 for every 1,000, while the rate in Colombo was about 19. The fact that according to the last census the increase in the population of Moraturwa was over 5 per cent during the past 10 years is also a proof that the general health of the village is good.

The Petitioners also beg to bring to your notice that there have not been any serious epidemic in Moratuwa notwithstanding its vicinity to Colombo and the facilities there are for the spread of an infection from the Metropolis. The only epidemic of any kind in recent years was the Influenza during the end of last, and the beginning of the present year; but it cannot be said that proportionally more people suffered from it in Moratuwa than elsewhere or that it was due to the insanitary condition of the place.

The Petitioners humbly beg to draw your attention to the fact that about R6,000 a year is now collected in Moratuwa by the Commutation Tax of which not more than R1,000 are spent on the Minor Roads which are kept in a very bad condition all throughout the year, and nearly R1,000 are spent on a useless Rest House at Lunawa which is of no benefit whatever for the village. Again, about R1,000 are obtained yearly from the licences issued to wholesale Arrack Godowns in Moratuwa: and it is right that a part at least of that money should be spent for the benefit of its inhabitants.

If the Sanitary Ordinance be passed and introduced into Moratuwa and its Sanitation be placed under the control of the Government Agent of the Western Province, as it would practically be, the spirit in which the Ordinance would be worked may be gathered from the following words used by him on the occasion of a visit to Moratuwa for the purpose of electing a Village Committee:—"I came to give you the best portion of the Gansabawa Ordinance and you refuse it, about this time next year you will have its worst

portion when you will have to pay a tax not exceeding 4 per cent."

Wherefore the Petitioners pray that your Hon'ble Council do not pass into law the "Small Towns Sanitary Ordinance" or in the event of its being passed that the village of Moratuwa be not included in the schedule.

And the Petitioner as in duty bound, Shall Ever Pray.

Moratuwa, 23rd Nov. 1892.

2,010 Signatories.

The next petition was dated 21st inst. showing—"That at a meeting of the inhabitants of Panadure held yesterday the memorialists were appointed a Committee to frame and submit to your honourable Council a memorial against the introduction of the Sanitary rate bill into Panadure. Popular feeling against the introduction of the bill into this town is so strong that it deems that a public expression of their feelings should be made. From time immemorial Panadure has been noted as a healthy place, free from epidemic or contagious disease and even now there are no crowded thoroughfares and filthy huts or hovels here, and the cleanliness and sanitary condition of the place is well attended to by the police and the medical authorities, and the sanitary condition of the place is satisfactory enough as the administration reports of the P.C.M.O. would show. According to the situation of the place and the houses there is no need of a sanitary rate bill here, and the inhabitants of the place are for the most part not in a position to pay an additional tax. Your memorialists therefore observe with regret that they are obliged to inform your honourable Council that they did not at the interview the people had with the Hon. the Government Agent, W. P., at the Panadure Resthouse or at any other time say that they would accept the sanitary rate bill as remarked by him at the last meeting of your honourable Council and that they distinctly told him that there was no necessity for a sanitary rate bill here when he said that it will be introduced here whether they required it or not.

Your memorialists therefore pray that your honourable Council would not sanction the introduction of the sanitary rate bill into this town.

(Signed), D. O. Fernando; D. S. Weerasinghe; Lewis Fonseka; W. O. Fernando; W. D. S. Wikremesekera; P. A. Gocneratne; D. P. Gunetilleke.

#### THE BUDDHISTS AND EDUCATION.

The Hon. T. B. PANABOKKE:—I beg to present a petition signed by 2,135 Buddhists concerning a rule which obtains in the Department of Public Instruction prohibiting the granting of any money to schools that may be established hereafter within a quarter of a mile of schools already in existence. The suspicion, ill-founded, I have no doubt, has arisen that the religious tolerance which is one of the blessings we enjoy under the British rule is to be interfered with by this rule. I have no doubt that Your Excellency will be pleased to inquire into the matter and grant the petitioners' request. I move that the petition be read.

The Clerk of Council read the petition as follows:—

To His Excellency Sir Arthur E. Havelock, K.C.M.G., Governor and Commander-in-Chief in and over the island of Ceylon with the dependencies thereof, and the Hon'ble members of the Legislative Council.

The humble memorial of the undersigned Buddhists of Ceylon, sheweth:—

1. That your memorialists beg to inform Your Excellency that they represent the interests of the Buddhists of Ceylon, who form the bulk of the population thereof.

2. That for about three hundred years the education of the masses suffered greatly from foreign domination and conquest especially from the short sighted policy of the Portuguese and Dutch Governments, to encourage only such education as tended



to promote their peculiar religious ideas and to prevent, so far as practicable, Buddhist education.

3. That your memorialists are grateful for the principle of absolute religious toleration publicly proclaimed by the Government of Her Most Gracious Majesty which has for many years past established and encouraged the establishment by the people of schools where the masses may be educated in harmony with their own best religious aspirations, and so as to promote their intelligence and self-helpfulness.

4. That the Buddhist Public have voluntarily subscribed funds and under great practical difficulties opened about 50 schools from time to time, confidently hoping that the Government would render every possible aid to supplement and encourage their efforts, but instead your memorialists find that obstacles have been, and are to be thrown in their way by grievous alterations in the education Code.

5. That up to the time the Buddhists undertook, or seriously attempted to undertake the work of education, the Code providing for the registration of grant-in-aid schools required as a condition precedent an average attendance of 60 boys, for six months, for a school placed within two miles from an existing school; but at the latter end of 1890, the number of months was raised to twelve; thus making it doubly difficult for poor Buddhist villagers to have a school of their own.

6. That as the new regulation appeared, nevertheless, designed to test their good faith and earnestness, the Buddhists submitted to it without a complaint, though it often told severely on their efforts; but with this year the Government has introduced another regulation, refusing to register *under any circumstances* a school lying within a quarter mile from an existing school.

7. That this hard and fast rule, your memorialists respectfully state, is calculated to completely discourage the voluntary efforts of the Buddhists. In many localities—especially towns—where all the other denominations have hitherto opened schools without let or hindrance, it is virtually impossible to establish a new school in any desirable place, without coming within a quarter of a mile from one of the previously established schools; and that it is simply courting failure to leave other sects in pre-emptive possession of the best sites, and open Buddhist schools in quarters far removed from the centres of population.

8. That three schools at Katugastota, Kurunegala and Madapata have already been declined to be registered because of the Quarter Mile Clause, and that the schools at Weragampita, Nugegoda, Karagampitiya, Hatton, &c. established before the introduction of the Quarter Mile Clause will also come under its operation.

9. That this rigorous rule, your memorialists have reason to fear, is intended to nullify the benevolent intention of Her Most Gracious Majesty by setting up a religious tyranny, and to have a retrospective effect bringing within its operation the schools opened before its introduction. And your memorialists respectfully beg leave to state that such a procedure is altogether opposed to justice and fairness, and if their reasonable demands and guaranteed rights are ignored they shall be forced to again petition the Home Government for the protection which was freely given them in the year 1884, and promised that they should have, whenever the necessity for such an appeal might again arise.

10. That your memorialists beg to submit that the Buddhist schools are essentially the life of the Buddhist nation, the promise of their redemption from the degradation of ignorance and are therefore well appreciated by them. Experience proves that they secure a more regular and greater attendance than the schools of other denominations, to which the Buddhists are on the whole reluctant to send their children, owing to the difference of religious doctrines taught in them.

11. That your memorialists humbly venture to hope that Your Excellency and the Hon'ble Members of the Council will take these facts into your earnest and careful consideration, and that this new "Quarter Mile" regulation may be rescinded, and that the Bud-

dhist public will be given every possible encouragement in the promotion of their educational scheme, for both sexes, as is done in the case of their Christian and Mahomedan fellow subjects.

12. That as the greater portion of revenue is raised by Government from the taxes paid by the Buddhists, it is manifestly unfair that moneys so raised should be expended on about 1,000 schools of other denominations, whereas less than 30 Buddhist schools have hitherto been registered even granting that this is largely due to their own ignorant neglect of prescribed Department rules. Your Memorialists humbly submit that they are entitled to the kindly regard of Government; and they submit with all deference but great earnestness, that the principle of local option should be recognised in the Educational system of Ceylon.

13. That if this prayer be granted your memorialists are thoroughly convinced that, with the spread of education among the masses, the moral tone of the nation will necessarily improve, and a powerful check be put on the present increase of crime, chiefly in rural districts; and that the future generation of Buddhists will have reason to bless Her Most Gracious Majesty, and her representative in the Island for giving them this untrammelled opportunity of elevating their social and moral condition.—For such an act of Mercy Your Excellency's humble Memorialists shall as in duty bound ever pray.

2,135 signatures.

#### THE TECHNICAL INSTITUTE SUPERINTENDENTSHIP.

The Hon. W. W. MITCHELL rose to ask:—What the reasons are, if any, why the Secretary of State has not yet made selection of a Superintendent for the Technical Institute, and to move that steps be taken to hasten measures for procuring the services of a qualified person. He said:—

Sir, the subject of technical education is one that has been discussed a good deal during the past two years, but comparatively little progress has been made with it during that time. When the late Sir Samuel Grenier was in England last year he took a good deal of interest in the question of technical education. The late Director of Public Instruction and I were also in England at the same time, and we had frequent conferences together on the subject which we pressed upon the attention of the Secretary of State by visiting the Colonial Office, and we believed that all difficulties and obstructions that existed had been swept away. Later, advertisements appeared in the London papers I believe calling upon those who wished to apply for the post of superintendent to send in their testimonials, and why a selection has not been made of a suitable candidate I cannot understand. This is the reason I bring forward this question today. I have been told in communications sent to me from England that the Government there do not entertain the project of establishing a technical school here in any cordial manner. I have been told that they only agreed to it in order to satisfy a number of people in this colony. I cannot myself believe for one moment that such is the case. I think there must be some misapprehension somewhere, and I decline to believe that what has been told me is the case. If it is the case I should say it would be far better if the Secretary of State were to intimate that he disapproves of the scheme and veto it entirely than to keep us in this position. If it is not the case then let him select a suitable candidate and send him out so that a start may be made with a work which I believe is fraught with very great good indeed to the whole community and specially to the rising generation.

The Hon. P. RAMANATHAN:—I have pleasure, sir, in supporting the hon. member.

The Hon. the COLONIAL SECRETARY:—Sir, in reply to the question of the hon. member I must



state that I am not in a position to inform him of the reasons why the Secretary of State has not yet selected a superintendent for the Technical Institute. As far as we officially know, the Secretary of State so long ago as 9th April last, expressed his approval of the plan as it had been submitted to him for carrying out Technical Instruction; and with reference to what the hon. member has stated from information which has reached him I may state that there is not the slightest ground for supposing that that approval was not most cordial and sincere. The Secretary of State on 9th April last, in expressing his unqualified approval, stated that steps would now be taken for the selection of a superintendent, and nothing has been heard from him since. On an early day of this month H. E. the Governor addressed the Secretary of State inquiring what steps had been taken, and when a reply is received in the course of a few weeks I shall perhaps be in a position to give the hon. member a more satisfactory answer to his question. I may remind him, however, sir, that there was considerable division of opinion on the subject—though I think Your Excellency very much agreed with the views which were expressed by the hon. member himself—and possibly that very circumstance may have made the Secretary of State hesitate somewhat and take more trouble in selecting a suitable candidate. I may state, sir, that when I was recently at home on leave of absence, the subject was not mentioned to me or brought to my recollection in any way. Had it been so I might possibly have been in a position to give more information and to expedite the furtherance of our desire in securing a superintendent.

The Hon. W. W. MITCHELL:—I am very much gratified, sir, with the reply which I have received, especially as showing that the information I had received is incorrect, and I am glad to know that there is no doubt that the Secretary of State will carry out the scheme. I am likewise very much pleased to hear that Government have anticipated what I desired should be done in the way of obtaining information as to what steps were being taken.

#### THE FEEDING OF ROAD LABOURERS.

The Hon. A. DE A. SENEVIRATNE moved for a Return of Labourers under the Road Ordinance fed by each of the District Road Committee during the year 1891. He said:—

It will be remembered, sir, that in the discussion on a motion relating to the Thoroughfares Ordinance I expressed a wish that that ordinance should be amended for the purpose partly of enabling the District Road Committees to feed people who had elected to labour, but in reply to that my hon. friend the Government Agent, W. P., stated that the Road Committees had the power under the ordinance to supply labourers with food.

The Hon. the GOVERNMENT AGENT, W. P.:—What I said was that it was open to the District Road Committee to supply labourers with food.

The Hon. A. DE A. SENEVIRATNE:—I believe my hon. friend relies on clause 23 of Ordinance 31 of 1884 which provides:—

“The district road committee shall upon the application of any person performing double labour under section 14, or increased labour under section 15 of this Ordinance, or whenever such committee may consider it necessary to do so, provide such person for every day that he may labour with either subsistence money equal to one-half of the ordinary rate of a cooly's wages, as paid in the district in which such work shall be performed, or with food, according as such committee may deem best; and any person who shall

receive subsistence money or food in virtue of this section shall, in addition to the labour for which he was otherwise liable labour on such works as are mentioned in section 14 of this Ordinance for an extra number of days, exclusive of Sundays, equal to the number of days for which he was liable to double labour or increased labour: provided that any person shall, during the time that he may be so at labour, be subject to the provisions of sections 14, 15 and 16 of this Ordinance in respect of any of the offences therein mentioned.”

Therefore I gave notice of this motion. It would be desirable to know whether applications were made on the part of labourers for food, or whether the District Road Committees thought it proper on their own motion to provide labourers with food. Reference was made, it will be remembered, to the inequality, as it was described, of the taxation, and my suggestion was that the inequality would be to a certain extent modified by giving food to those who chose to labour, because, I considered that if a person elected not to pay it must be in consequence of inability to pay. Nobody, as a matter of choice, would elect to break stones on the road, and if those who elected to perform labour are people who really cannot afford to pay it may be presumed that a good many of them have not the wherewithal to eat while labouring on the roads. I take it that under clause 23 it is only the men who have to perform double labour or additional labour who can apply for food, but I admit that the Road Committee may whenever it considers necessary also provide food. The return I ask for will show whether in the opinion of the Road Committees the necessity had arisen in 1891. I restricted myself to that one year, not because I thought that in that one special year no necessity arose for supplying food, but because I thought that that one year would serve as an example of what had occurred in other years. If there have been exceptional years before 1891 I have no doubt that information of these will be given. It is really in order to call the attention of Government to this point rather than for the purpose of raising an agitation that I have taken steps in this matter. I feel sure that Your Excellency will be good enough to look into this matter carefully and see in what way relief can be given; and I feel certain that it will be quite clear that the Ordinance can be amended in order to give relief. I think in this connection I also ought to mention that the people who commute have to commute before 28th February. The notice to perform six days' labour is given after the 28th February, so that after notice to labour at a certain place is given a person cannot commute the six days' labour by payment of one Rupee and fifty Cents. He has to give R3 to commute the labour of the six days, and if before notice of double labour is given he has not paid his R3 he becomes a defaulter and warrant is issued as a matter of course. His name appears on the list of defaulters through no fault of his it may be, for it will be observed that the notice is a general one to the inhabitants of a certain district, and one whose name appears on the list of those liable to pay may not have been in the district at the time the notice was given. I would take the case of a European, an Englishman, willing enough to pay, who, being resident in the country during the latter part of a year, has his name entered in the schedule and becomes liable for the commutation tax but who, going away to England in January of the following year and not returning till September, is entered in the list of defaulters. He does not by that fact become a scoundrel, but his name appears in the list of defaulters. I think it would be rather hard in such a case that simply because a man's name appeared in the defaulters' list he should be looked



upon as a person to whom no consideration was due. I wish to correct that impression, and I am sure that the Government Agent who used the strong expression in speaking of defaulters did not intend to apply it to everybody.

The Hon. Dr. ANTHONIZ seconded.

The Hon. the GOVERNMENT AGENT, W. P.:—Sir, Had the motion not been already seconded I should have been glad to second it, although I think the return will probably be nil. I repeat that what I said with respect to the feeding of labourers was that it was open to the Road committees to feed the labourers under certain circumstances which it was not necessary to detail in this Council, but perhaps I had better give further explanation now. Under the 23rd section of Ordinance 31 of 1884 the road committees shall, upon the application of any person liable to double labour, feed the person upon his performing quadruple labour; that is to say that he works for 12 days in order to discharge his statutory liability, and that he then works for another 12 days in order to pay for his food. The provisions of that section have been extended and have been used, not recently, in this Province in respect to what I may call "the single labourer," that is the man who works for 6 days. He had worked these 6 days and then been allowed to work another 6 days in consideration of the committee having fed him. I won't trouble the Council with particulars, but the thing works out to a cent. I am sorry that I made use of the expression "scoundrel," but I used it because I have seen so many of these defaulters brought up before me who really could hardly be described by any other word, having no steady sort of occupation but running about from plumbago pit to plumbago pit perhaps and dodging warrants right and left. Of course the expression was not intended to be universal in its application. If it was, it would be applicable to myself, for according to the list of the Municipal Council I was a defaulter myself recently. Having been in England during the greater part of the year I did not pay the tax till November; and therefore I was nominally a "scoundrel."

The motion was then agreed to.

#### THE BRANCH ROADS ORDINANCE.

The Hon. the Acting ATTORNEY-GENERAL:—Sir, I beg to move the first reading of a bill intituled "An Ordinance to amend the Branch Roads Ordinance 1874." Much of the usefulness of the Branch Roads Ordinance has been impaired by section 11 which provides that the meeting for the purpose of electing a Committee shall consist of not less than 10 proprietors or resident managers. Consequently no district can be brought under the operation of the Ordinance which does not consist of at least 10 estates. The object of the bill now before Council is to obviate this defect in the law and to enable districts consisting of less than 10 estates to be brought under the operation of the Ordinance. I trust that the measure will commend itself to the members of this Council and I move its first reading.

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

The Hon. the Acting ATTORNEY-GENERAL intimated that he will move the second reading at next meeting of Council.

#### THE CHURCH OF ENGLAND IN CEYLON.

The Hon. the Acting ATTORNEY-GENERAL:—I rise, sir, to move the first reading of a bill intituled "An Ordinance to amend Ordinance No. 6 of 1885." The object of the bill now before Council is to enable the congregation of a church not governed by the provisions of Ordinance No. 12 of 1846 and which has

not brought itself under the operation of Ordinance No. 5 of 1864 and for which there is no deed vesting the church in any person or body corporate, or where such deeds exists no provision is made for the appointment of new trustees, to vest such church by resolution passed at a meeting to be convened and held under regulations to be passed by the Synod, in the Incorporated Trustees of the Church of England in Ceylon. The members of this Council are probably aware that the provisions of Ordinance No. 12 of 1846 apply only to churches which have been partly built or maintained by money paid by Government, and that the provisions of Ordinance No. 5 of 1864 are not considered by his lordship the Bishop of Colombo to be in all respects applicable or fitted for churches belonging to the Church of England. The present bill has been introduced at the express request of his lordship the Bishop of Colombo, and I trust it will commend itself to the members of this Council.

The Hon. the GOVERNMENT AGENT, W.P. seconded, and the bill was read a first time, the hon. the mover intimating that he would move the second reading at next meeting of Council.

#### THE SANITARY RATE BILL.

The Hon. the GOVERNMENT AGENT, C. P.:—Sir, I beg to bring up the report of the law officers of the Crown on "An Ordinance to make provision for the imposition of a sanitary rate in certain localities," and move that it be read by the clerk.

The Clerk of Council read the report.

The Hon. the GOVERNMENT AGENT, C. P., then moved that the bill be read a third time and passed.

The Hon. the GOVERNMENT AGENT, W.P.—Sir, before the third reading is taken may I be allowed to make a few remarks. A petition has been presented from the inhabitants of Moratuwa and another from the inhabitants of Panadure. The inhabitants of Panadure seem to think that there has been some misunderstanding between them and me, but I think on further consideration they will be inclined to adopt my record of what took place between us, that is to say when the Ordinance does, if it does, come into operation in Panadure. In the same way in regard to Moratuwa, the Ordinance will not be brought into operation without the circumstances which render it necessary that it should be brought into operation being fully stated to Your Excellency and the Executive Council, and I think the people of Moratuwa may be satisfied that before the Ordinance is brought into operation anything they have to say and anything I have to say will be duly considered and decided by Your Excellency and the Executive Council.

The bill was then read a third time and passed.

#### THE APPROPRIATION OF UNCLAIMED BALANCES.

The report of the law officers of the Crown having been read, "An Ordinance to provide for the further appropriation of certain unclaimed balances from the Loan Board" was read a third time and passed on the motion of the Hon. the AUDITOR-GENERAL.

#### THE CONTINGENT SERVICES FOR 1893.

On the motion of the Hon. the COLONIAL SECRETARY Council resumed consideration in Committee of "An Ordinance for making provision for the contingent services for the year 1893."

#### THE COMMISSION FOR COLLECTING THE GRAIN

The Hon. the COLONIAL SECRETARY:—Sir, when we adjourned the consideration of this Ordinance in Committee we had passed the provision for the Treasury, and with reference to provincial administration I have to move that the item in the first column (personal emoluments) be carried out at R274,935 and in the second column (other



charges) at R418,377, making the total R693,312 (which originally stood at R691,732) in order to give effect to the recommendations in the report of the sub-Committee in respect to four small items—two decreases and two increases—and also an increased provision for the commission to headmen in the North-Central Province for the collection of the grain tax, the amount which will now have to be paid and divided being R5,800 instead of R3,600. The custom in the North-Central Province is, I believe, that the commissioner is not paid till the year following that in which the collection is made. It is for that reason that I propose, in the body of the estimate to put in the amount for the year 1892. Agreed.

#### A STEAM LAUNCH FOR GALLE.

The Hon. DR. ANTHONISZ hoped Government would be able to allow a steam launch for the use of the pilots at Galle instead of the present boat.

#### THE MEDICAL EXAMINATION OF IMMIGRANT COOLIES.

The Hon. the COLONIAL SECRETARY:—Sir, when we came to this item last time in Committee I think the hon. member wished to ask some questions in connection with emigration in the Northern Province.

The Hon. Dr. ANTHONISZ explained:—I wished to ask if Government would be good enough to see that better arrangements were made at Paumben which is the port of departure of the Tamil coolies and where every precaution should be taken to prevent the introduction of smallpox and cholera into this island. I think it is very necessary to have there a thoroughly qualified man—one thoroughly trained to investigate and find out germs of disease in clothing, food and everything else, and to have the water analysed from time to time to see that there are no germs of any kind in it. Everything that is necessary should be provided to keep the place in a pure sanitary condition. There should be a store for rice and also for clothing, so that if the coolies' clothes are destroyed they may be supplied with others. There should also be a disinfecting apparatus and a stove for the incineration or destruction of the refuse &c. If the water is brackish it should be distilled; and if polluted it should be boiled. Every boat that leaves Paumben should have a person on board, who, in case any cooly is taken ill, would have him isolated at once and sent to hospital on arrival. I also wish that the place should be under the supervision of the P. C. M. O., who might send a competent man there to inspect the place from time to time.

The Hon. the COLONIAL SECRETARY:—Sir, I have to remind the hon. member of what I assured him, I think it was on 28th Oct. last year, when he asked a question on the precise point to which he has now referred. My impression then was and was so expressed, that the medical officers rather had it all their own way, and if possible the emigrants were too much medically supervised. Certainly every care is taken of them. On that occasion I told the hon. member, and the arrangement I find still obtains, that the emigrants before embarkation are supervised and examined by our own medical officer or at any rate by our own immigration officer. In every vessel there is an experienced medical practitioner, and before the emigrants are allowed to land they are again examined by the Port Surgeon at the port of disembarkation. Further, sir, all along the North Road medical officers, resthouses and hospitals are stationed at not very distant intervals, and the numbers are increased when there is anything like an epidemic. Those are the arrangements that are made, and cannot think it very practicable

to make any greater or more secure ones. I think, sir, that it is creditable to the Medical Department and satisfactory to the whole community that though cholera may have been very prevalent on the southern coast of India immediately adjoining us, and although it has been introduced into the island and cases have occurred on the North Road, it has hardly ever touched the thickly populated parts—that is to say that it has hardly ever reached anything beyond an isolated case now and again. I would assure the hon. member that Government are quite alive to the necessity for taking precautions to prevent the introduction of disease, but I must claim that we have already as good arrangements as can reasonably be made.

#### ADDITIONAL CUSTOMS OFFICER.

When the vote for the Customs Department had been reached,

The Hon. the COLONIAL SECRETARY moved the addition of R700 for an additional customs officer here as recommended in the Committee's report, and that the item in the first column (personal emoluments) be carried out at R35,653 making the total R45,971.

The Committee in their report explained that there had been a saving of R620 in the Southern Province by the abolition of Weligama as a port of entry. Agreed.

#### THE BONDING OF KEROSENE OIL.

The Hon. W. W. MITCHELL:—Sir, I wish to ask the Principal Collector of Customs whether it is intended to allow the bonding of kerosene oil on its arrival instead of levying duty on its importation; because, if it is to be bonded, accommodation will have to be provided and officers may be required to supervise and take charge of it. The amount of extra duty which was expected to be derived from kerosene oil was, according to Your Excellency's despatch, 15th October 1891, R217,000, but I have been told that the imports of kerosene oil have been on such a large scale and are likely to be so until the end of the year, that there is no probability of any extra duty being derived during 1893, if the duty is paid on these imports between this and 31st December. I think the Colonial Secretary, in introducing the supply for 1893 bill, intimated that provision had been made in the estimated revenue for the fact that little or nothing would be received in the shape of duty on kerosene oil. If that is the case what was the necessity for imposing a fresh duty at all. If that large amount of duty can be dispensed with then I think that we might almost claim to have the whole thing dispensed with, including the duty on spirits and tobacco. Nothing further has been said about salt, and presumably nothing is settled about it. Neither has anything been done with regard to the legacy and succession duties. Therefore I think we are almost in the position of feeling that our revenue is in that state in which we are able to dispense with these duties—that state to which the Secretary of State referred in the communication to Government and which was also referred to in a letter sent to me about the time that communication was received, pointing out that if at a future time the finances of the colony were in such a condition as to admit of these duties being dispensed with, they might be abolished. I think, sir, that even before they are brought into operation we have got into that position. The amount of saving in the estimates is disappointingly small from the abolition of the paddy tax. The hon. member who represents the planters referred to this subject the other day, and it was only when



I had seen the report of the Sub-Committee with appendix A, that I fully appreciated what was then said by him. The amount that we were led to expect in the shape of saving was certainly a great deal more than appears in that appendix. In Your Excellency's despatch on 6th May 1891, you stated that the sum of R65,000 which was the salary to the Grain Commissioner and collectors commission represented but a small portion of the real cost of that tax or of the saving that would be effected by its abolition, but that now seems to be a large proportion of the saving, because the total apart from the grain commission is R54,534, and the total saving estimated was altogether R87,890—a very insignificant sum compared with what I at all events supposed would be saved. I cannot see that there is any saving at all on establishments further than the grain commission. I shall be glad to have an answer to my question with regard to kerosine oil and the bonding of it, because if importers are not to be allowed to bond and must find the whole amount of the high rate of duty to be imposed on a cargo, then it will be a very great hardship indeed.

The Hon. the Acting PRINCIPAL COLLECTOR OF CUSTOMS:—I may be allowed to say, sir, that as far as I have heard there has been no proposal on the part of any one to bond kerosine oil. There have been large importations lately, and the importers certainly seem inclined to pay the duty at present. Should it turn out in future years that the duty being high it would be inconvenient for the importers to pay the whole of the duty at one time or on short notice, I have no doubt that arrangements could be easily made for bonding kerosine oil. At present it sometimes happens that, when a large consignment of kerosine oil is brought to Colombo though it is originally intended for local use, importers find it to their interest to send it to another place, and the Government in cases of that kind have always permitted a refund of the duty already paid on the ground as I have represented to Government that no bonded store being provided the parties have a right to recover the duty if they wish to send the oil to another country.

#### COAL.

When the item of engineer of harbour works had been reached,

The Hon. the COLONIAL SECRETARY moved that the entry "other charges" be carried out at R183,540—an increase of R30,000—to provide for the additional quantity of coal that is required as mentioned in the report of the Sub-Committee.—Agreed.

#### THE ATTORNEY-GENERAL'S OFFICE.

The Hon. the COLONIAL SECRETARY next moved that the item of personal emoluments for the Attorney-General's Department should be reduced by R500 making the sum R16,102 instead of R16,602 originally in the estimates. He explained that an allowance made to the Office Assistant of the Attorney-General had become no longer necessary in consequence of an alteration made in that office.—Agreed.

#### THE SALARIES OF CLERKS.

The Hon. Dr. ANTHONISZ said:—With your Excellency's permission I should like to make a few remarks regarding the increase of salary given to the Secretary of the District Court of Colombo from the savings of the salary of a chief clerk. It has been brought to my notice more than once,—I cannot say whether I am rightly informed or not,—that when the salary of a clerk, or one in the subordinate service, is

about R3,000 or thereabout, and when such an appointment becomes vacant by death or retirement or from any other cause, the successor to it does not draw the full salary; but that a reduction is made, and from the savings an increase of salary is given to a clerk or member of the subordinate service. At the time when most of the clerks in Government offices were Burghers, the late Sir Emerson Tennant, who was Lieut.-Governor and Colonial Secretary in those days, said that they were a very useful class of officers to the Government machinery, like the wheels of a clock, and if they did not move on harmoniously the handles could not move. This shows how necessary it is that a good feeling should exist between the clerk and his superior officer. Appointments of R3,000 per month are few and are looked upon as prizes in the subordinate service by clerks. To find in connection with one of these appointments when it becomes vacant that the salary attached to it has been reduced, must be a great disappointment to a hard working clerk who has been slaving for many years. The rupee, as Your Excellency knows, is worth little more than one half its former value, and consequently all imported articles have increased in price; and those who are used to European habits of living must find it hard to make ends meet on a small salary, as is the case with clerks. It was told me that a clerk in the Colonial Secretary's Office died from the work he had to do owing to his being badly nourished. Regarding the increase of salary given to the Secretary of the District Court of Colombo I may say from what I hear that he has given satisfaction to his superior officers, and that the duties of the Court have increased since the Civil Procedure Code was introduced and consequently he is deserving of the increase as every labourer is worthy of his hire. It is said that those who come from the West, or Europe, could not live on the salary given to one born in the East. It is true, for no one could live surrounded by the comforts and requirements of civilization on the small pay given to a pure native or to one born in the country. And yet, sir, to say that one could not live and exist on a small salary is contrary to facts. Take for instance the Salvation Army. Do not those who come direct from Europe go about without shoes and boots to their feet or covering to their head; and they sing loud as if they have strong lungs and play on the tambourine with great activity. (Laughter.) They eat, live and dress like natives. In the past have we not the instance of Knox, who was a prisoner in Kandy during the Kandyan rule, who lived and worked as a native and was able, when he returned to his country, after a residence in the island of many long years, to write a book, the description in which is second to none of late writers on our island history. The taxpayer does not care how a person lives, or that one should be paid according to his mode of living. What a taxpayer expects is that a person should be paid according to the nature of the work he has to perform, and that without any regard to caste, colour or creed. Look at the higher branches of the service. To the best of my recollection the Northern Province was an extensive province when it was administered by that able officer, the late Mr. Dyke; since his death the province has been cut up, and after it was mutilated did his successors suffer in their fixed emoluments? No—not that I know of. The Central Province had a large slice taken and made into the province of Uva. Have the successors to the Central Province, after this change was made, had their fixed emoluments lessened? No. When the Western Province was adminis.



tered by that able, conscientious, and very efficient officer, Sir Charles Peter Layard, he had fewer assistants than at present, and besides he did the combined duties of Chairman of the Municipality and the Government Agent. The Chairman of the Municipality is now held by a distinct officer with a liberal salary. The province itself has a portion made into the Sabaragamuwa Province. Has the salary of the Government Agent been affected by these changes? No. As all classes of public servants are paid from the revenues of the country and the taxes of the people it is equitable and just that they should all receive the same consideration and not that one class should be raised and the other lowered or degraded. Your Excellency must pardon me if I have in any way been out of order in the remarks I have made; at the same time I could not help saying that from Your Excellency's impartial rule I have no doubt in my mind that when a recommendation is again made to lower the salary of a Government clerk Your Excellency will give it Your Excellency's most gracious consideration.

The Hon. the COLONIAL SECRETARY:—Sir, I did not quite catch the point of the complaint of the hon. member, but I think he has quite misunderstood or forgotten the circumstances connected with the transfer from the office of clerk to the Attorney-General to that of the District Court of Colombo, of an item of R500. It will be remembered especially by those members who were on the Sub-Committee of supply last year that there was a concurrence of opinion that it was not necessary to provide so highly paid a clerk as the Attorney-General then had. I remember representing to the Committee that I was very loath to see one of the very few prizes which members of the clerical service had, taken away from them. I am bound to say, sir, that the Sub-Committee at once accepted the view, and they said "Oh no, we will not take it away, but we will be perfectly satisfied to have it transferred to another part." I think that was recorded in the report of the Committee. That transfer has been given effect to by adding the amount to the salary of the clerk of the District Court of Colombo, who, according to the advice given to Government, was regarded as perhaps the most hard-worked and comparatively under-paid and most deserving officer, for this increase. I do not know whether the hon. member has urged any grievance on behalf of the chief clerk of the Attorney-General, but I am in a position to speak in the highest terms of that officer because he was in my office. He was an excellent officer and I was exceedingly sorry to lose him; but in his own interest as he gained an addition of R500 to his salary he was promoted. I hope, sir, that I have removed any impression that injustice has been done either to the office or to the holder of the office to which the hon. member has referred.

#### THE MEDICAL DEPARTMENT.

The Hon. the COLONIAL SECRETARY:—To the Medical Department I have to move the addition of a small sum in order to provide for two services to which reference is made in the report of the Supply Committee, but I would ask on other grounds for the postponement of the consideration of this item until a later stage in Committee. Hon. members may remember that about twelvemonths ago there was a discussion in Council on the subject of the relative position of the two branches of the medical service—the estates medical service and the civil branch—I think it is called, I then stated in

course of the discussion that in past practice there had been really no mark of separation and that officers had passed from the one branch to the other. Since then the P. C. M. O. has proposed that the distinction between the two branches should be removed and that they should be united. In order to put them in the same position there will be necessitated a small additional expenditure of about R6,000. The figures have not yet been arrived at between that officer and myself, and that is the ground on which I ask for the postponement of the consideration of this item until a later stage. I thought it right to refer to the proposal by way of giving notice to members in consequence of the discussion that took place formerly.

The Hon. P. RAMANATHAN:—Will all the papers upon the subject be laid before the members in time?

H. E. the GOVERNOR:—Certainly.

It was then agreed to postpone consideration of the item as well as the one referring to hospitals and dispensaries, as the transfer of a few items from the one to the other was necessitated.

#### BUDDHISTS AND EDUCATION.

On the vote for education,

The Hon. T. B. PANABOKKE said:—I wish, sir, to emphasize the subject of the petition which I presented. The rule referred to in that petition is said to be that any school established hereafter shall not receive a grant if situated within a quarter of a mile of a school that is already in existence. I think, sir, that Your Excellency and the hon. members of this Council know that it is the fact that the missionary bodies of Christians have been and are in occupation of all the principal towns and centres of population and have their schools there. It is no doubt the fault of the members of other religions that they did not establish their own schools before. The Buddhists and others have only begun recently to take action about education, and I think it is the duty of Government to foster their spirit of trying to educate themselves rather than to stifle it. This rule, if strictly observed, will not only act prejudicially to the interests of Buddhists but work equally prejudicially to the interests of Hindus, Saivites, Muhammadans and other bodies, and I cannot but say that it savours of partiality to Christianity which I think is a cause of great grievance to Buddhists and other religious bodies. Supposing, sir, a rule were made by one who favours the Buddhists that where there is a pansala no school shall receive a grant if it is within a quarter of a mile of the Pansala. Would that be considered fair and reasonable? I think not. If grants are to be given, let them be given according to results. That was the old rule and a very good one, and I do not see any reason why it should be departed from. I have no doubt that the matter will be carefully looked into by Government.

The Hon. the COLONIAL SECRETARY:—The point to which the hon. member has referred is under the immediate consideration of Government in connection with an application which has been made by an educational body. Whether further consideration of it will enable us to meet the views of the hon. member or not I cannot at present say, but I may mention that the rule was intended as a wholesome one to prevent rivalry and undue competition and conflict, if I may say so, amongst the different bodies.

The Hon. P. RAMANATHAN:—May I ask, sir whether this rule is mentioned in the Education Code?

The Hon. the COLONIAL SECRETARY:—Yes. It is a long-standing one.



## EXCHANGE.

The Hon. J. J. GRINLINTON called attention to the recommendation of the Supply Committee that in view of the very low rate of exchange some measure of relief should be given to all officers who have not the privilege of remitting allowances for their families to Europe at special rates. He wished to know whether it was the intention of Government to give effect to the recommendation of the Supply Committee.

The Hon. the COLONIAL SECRETARY:—It is under consideration. It is not a matter which the local Government can settle at once. I may say that the public officers will be indebted to the members of the Supply Committee for having on their own motion drawn attention to the subject.

## VOLUNTEERS.

The Hon. the COLONIAL SECRETARY moved that the item for military expenditure be increased by R30,000, making the total R123,818, in consequence of the additions to the Volunteers.

## INCREASED POSTAL FACILITIES.

The Hon. the COLONIAL SECRETARY next moved that the item of "other charges" in the Postal Department be increased by the sum of R15,401 to meet the expense of the conveyance of mails by railway by the additional trains organized this year. He also asked permission to propose the addition of another small item for the continuance of coach communication in one of the planting districts. It was the small sum of R720 or R60 a month. For some time there had been more or less of an experimental coach service between Hatton, Maskeliya and Bogawantalawa. The subsidy that was given was the very small one of R90 which the contractor stated was insufficient to enable him to carry it on and he had given notice that he would discontinue the service. From inquiries that had been made it was believed that he was sincere in his intention and justified in the statement he had made. It was a great convenience to have this communication and therefore this vote was proposed. He moved that the item for other charges be carried out at R333,561 and the total at R593,216.—Agreed.

## THE FOREST DEPARTMENT.

The Hon. A. DE A. SENEVIRATNE:—With reference to the vote for the Forest Department I do not ask for any alteration in the figures, but I wish to ascertain when the regulations under the last Forest Ordinance are likely to be placed on the table. As Your Excellency will remember when the discussion took place on the last Forest Ordinance Amendment Bill it was suggested that by regulations certain areas should be exempted, and complaints have been made about the inconvenience of the pass system within the gravets of Colombo. I think it will also be remembered that the hon. the planting member also wished certain areas to be exempted, and it was thought well to leave it to Your Excellency to exempt them by regulation. Having quoted what the hon. the planting member said, the hon. gentleman continued.—I think it was admitted that within Municipal limits there was no necessity for enforcing the rigid rules of the Forest Ordinance because there are no forests in the vicinity and no timber is admitted into town except on passes and after the closest scrutiny. Now the complaint is, that logs of wood cannot be taken from one spot to another within the city without passes from the Government Agent. There are no regulations under this Ordinance as far as I know. If there are any they have not been tabled.

The Hon. the COLONIAL SECRETARY replied to the effect, that, what had been referred to formed pre-

cisely the grounds which led to the addition of a sub-section to the Ordinance which they passed the other day. The hon. member was good enough to speak to him the other day about the subject, and from inquiries he had made he gathered that, the delay was owing to the necessity for making some fresh regulations from which Colombo should be excepted. The matter had not been lost sight of.

## ROADS.

The Hon. W. W. MITCHELL:—Before we proceed to vote money under this portion of the bill (maintenance of roads) I would like to call attention to the report of the supply Committee and what transpired at the last sitting. In the report of the supply committee there are three new roads referred to in the Uva Province requiring R159,100 which were intended to be added to the surplus revenues Ordinance. The inclusion of these three items was objected to and they were not added to that bill. I would like to ask now whether we are to understand that these roads are to be dropped out of the bill altogether or what other works are to be deleted in order to make ends meet, because I understand from the report of the supply committee that in order to keep the expenditure within the estimated revenue this R159,000 is required to be transferred.

The Hon. the COLONIAL SECRETARY:—The hon. member will find them added to the schedule of the Surplus Revenues Bill.

The Hon. W. W. MITCHELL:—I understood that had been objected to at last meeting.

The Hon. the COLONIAL SECRETARY:—I am not aware of that.

H. E. the GOVERNOR:—Perhaps the Auditor-General will explain.

The Hon. the AUDITOR-GENERAL:—Sir, as far as I understand the matter, at the last meeting of Council these three roads were added to the Surplus Revenues Ordinance subject always to any objection which might be urged when that Ordinance came to be considered in Committee again today after the passing of the bill which is at present occupying the attention of the Legislative Council. It will remain at the end for the Hon. the Colonial Secretary who has charge of this bill formally to move that these three items be deleted from the Ordinance.

The Hon. the GOVERNMENT AGENT, W. P.—I beg to move that consideration of the votes for the maintenance of roads in the Colombo, Negombo and Kalutara districts be postponed to the next day on which the consideration of this bill will be taken up, unless it is intended to finish the bill today. The Provincial Road Committee of the Western Province have made a representation which has scarcely received full consideration from the Director of Public Works and the Government, and I see alterations made here in the number of days' labour and omissions from the amounts of Government money voted, that I cannot understand, I cannot but think, that there is some mistake. At any rate it does not accord with the recommendation of the Provincial Road Committee, and I ask that I may be given time, say a week, to compare these and consult with my committee who meet on Monday next.

The Hon. the COLONIAL SECRETARY:—There is no objection to postponing these items; but I wish to add that I have not seen the representation to which the hon. member refers. The amendments or alterations in this part of the bill have been made at the instance of the Director of Public Works to whom large discretion has always been left by Government in arranging the days' labour and the amount to be expended.



Consideration of these items having been postponed, various alterations were made, the last one being the addition of R2,697 for the Undugoda-Bulatkohopitiya road.

"This item having been passed, the Hon. the COLONIAL SECRETARY moved that further consideration of the bill in committee be postponed and that the Council resume.—Agreed.

#### THE SURPLUS REVENUES BILL.

The Hon. the AUDITOR-GENERAL:—I beg to move, sir, that the consideration in Committee of "an Ordinance to apply a portion of the surplus revenues of past years to works and services of acknowledged public utility," be deferred to next meeting of Council in order that this bill may be kept in the same stage as the Supply Bill.—Agreed.

#### CUSTOMS EXEMPTIONS FOR NAVY AND ARMY.

On the motion of the Hon. the AUDITOR GENERAL Council went into Committee on "An Ordinance for exempting from Customs duty certain articles imported or purchased for the use of H. M.'s Naval and military forces," when various alterations were made without discussion, and Council resumed, the hon. the Auditor-General reporting the bill as amended and moving that it be referred to the law officers of the Crown which was agreed to. Notice was given that the third reading would be moved at next meeting of Council.

#### SUPPLEMENTARY CONTINGENT CHARGES 1892.

On the motion of the Hon. the COLONIAL SECRETARY, seconded by the Hon. the AUDITOR-GENERAL, "An Ordinance for making provision for the supplementary contingent charges for the year 1892" was read a second time, and thereafter the Council resolved into a Committee of the whole house when the bill was referred to the following Sub-Committee:—the Hons. the Auditor-General, the Treasurer, the Principal Collector of Customs, P. Ramanathan, W. W. Mitchell, A. de A. Seneviratne, J. J. Grinlinton and the Colonial Secretary, Council then resumed.

#### SUPPLEMENTARY CONTINGENT CHARGER FOR 1891.

On the motion of the Hon. the AUDITOR-GENERAL, seconded by the Hon. the TREASURER "An Ordinance for making final provision for the supplementary contingent charges for the year 1891" was read a second time, and afterwards passed through the Committee stage, notice being given that the third reading will be moved at next meeting.

#### THE ADJOURNMENT.

On the motion of the Hon. the COLONIAL SECRETARY Council adjourned till Wednesday next at 3 p.m. Council rose at 4-45.

### WEDNESDAY, NOVEMBER 30, 1892.

*Present*:—His Excellency Sir Arthur Elibank Havelock, K.C.M.G., the Governor, who occupied the chair, H. E. Major-General Dunham Massy, Commander of the Forces; the Hons. Sir E. N. Walker, Colonial Secretary; C. P. Layard, Acting Attorney-General; J. A. Swettenham, C.M.G., Auditor-General; G. S. Williams, Acting Treasurer; Colonel F. O. H. Clarke, C.M.G., Surveyor-General; A. R. Dawson, Government Agent for the Western Province; R. Reid, Acting Principal Collector of Customs; P. Ramanathan, C.M.G., Tamil representative; J. J. Grinlinton, general European representative; Dr. P. D. Anthonisz, C.M.G., Burgher representative; W. W. Mitchell, Mercantile representative; M. C. Abdul Rahiman,

Muhammadan representative; A. de A. Seneviratne, Sinhalese representative; L. H. Kelly, Planting representative; T. B. Panabokke, Kandyan representative; also Mr. H. L. Crawford, Clerk of the Council.

*Absent*:—The Hon. P. A. Templer, Government Agent for the Central Province.

#### THE TAX ON LIQUOR LICENSES.

The Hon. W. W. MITCHELL:—I beg to present a petition from several respectable traders in the Kalutara District complaining of the license tax which they have to pay for selling liquors in bottles and for selling liquors to be drunk on the premises. They complain that whereas up to 1891 R100 was sufficient to enable them to do both, since Ordinance No. 12 of 1891 was passed, they are required to pay a tax of R150 to enable them to sell liquors to be consumed on the premises and an additional R75 for permission to sell liquors in bottles. They maintain that the amount of taxation will necessitate a large number of them giving up the trade.

The petition was as follows:—

To His Excellency The President and the Hon. Members of the Legislative Council of Ceylon. The humble petition of T. A. Mendis, Patcha Palle Korera, and W. Jayawardana, Sembukuttige Bastian Silve, licensed liquor shop keepers under the Ordinance No. 12 of 1891.

Most humbly sheweth,

That the petitioners beg leave to submit that they are the holders of licenses to sell intoxicating liquor in Kalutara District for many number of years during which period the number of liquor shops had been increased and the living and the income of the petitioners were necessarily narrowed. By the exchange the prices of the articles of trade went to its highest extremities yet the keen competition by the increase of shops lessened the profits. Adopting all economical principles the petitioners assure your Hon. Council the liquor business turns out almost to a non-paying concern, but in consideration of the pecuniary circumstances the petitioners are not in a position to close their shops without unhappy results, and also the petitioners are hardly able to find any other trade than the one which they are acquainted with and trained. The petitioners also beg to point out in anticipation of the increased Custom Duty likely to be levied on foreign liquor which will also be telling against their said trade. Surrounded with these circumstances the petitioners are now informed by the Government Agent that they are to obtain extra licenses paying R75 to legalize them to retail liquor by bottles not to be consumed on the premises while holding a license to sell liquor to be consumed on the premises which cost them R150 a year. The petitioners originally obtained the licenses which they hold now believing that they will give them the privileges existed prior to July 1892, viz., (a) obtaining license worth R150, mentioned in the Ordinance which will entitle him to the privileges of the lower licenses mentioned therein. This was the existing rule and prevailed in the Island from the origin of the liquor trade came into operation in Ceylon. The petitioners are further informed that the Ordinance No. 12 of 1891 is almost framed after the regulations of the English liquor trade, which is quite different to the usage existing in the Island. The practice in England stands thus:—(a) holding a license to sell by retail to be consumed on the premises does not carry any other form of trade in liquor; (b) holding a license to sell liquor not to be consumed on the premises does not carry any other form of trade in liquor. These forms are practicable in England for the simple reason of the consumption being so great and the concerns are very large, thereby the remuneration is sufficient to carry a trade under such peculiar licences. In the island and particularly in outstations this form of trade is impracticable: that is to pay R225 for a liquor shop to get the license



to carry his trade honestly according to the meaning and interpretation given in the Ordinance No. 12 of 1891. It would be competent to your Hon'ble Council to follow at once that some of the outstation liquor shopkeepers will not be able to make R225 extra for a whole year to meet the present requirements of the said Ordinance. The petitioners beg to point out that when rules impracticable were enforced adulteration and after dishonest means are, forcing upon traders against their natural inclinations, and such dishonest persons will spoil the market and the petitioners anticipate that they will be thrown out of business. Therefore they pray that they may not be enforced to obtain extra licenses and the Ordinance framed under the English liquor regulations may be altered to meet the practicabilities of this island. For which act of goodness, the Petitioners, as in duty bound, shall ever pray.

Kalutara, 28th November, 1892.

#### TOLLS.

The Hon. the COLONIAL SECRETARY moved that a single toll be established in respect of the road from Yatiyantota to Karawanella bridge and of the roads from Ruwanwella to Karawanella bridge. He said:—A toll has for some considerable time been established at this point, first as a ferry toll and since 1888 as a bridge; but it is now found that a considerable amount of traffic, while it passes along the road approaching the bridge, does not pass along the bridge and thus escapes the toll. The proposal is to move the toll to a certain distance from the bridge so that it may then catch the traffic coming from Yatiyantota to Karawanella.

The Hon. the GOVERNMENT AGENT, W.P., seconded.

The Hon. W. W. MITCHELL:—Sir, there must be some misunderstanding in regard to this toll. To the best of my belief there are two tolls already between Awisawella and Yatiyantota, one being a very short distance out of Awisawella and the other very close to the Karawanella bridge. The residents in the district complain that they have these two tolls to pay within a distance of eight miles, and I cannot see that any alteration in the situation of this toll can make any difference, or in the words of the Lieut.-Governor catch the traffic coming from Yatiyantota any more than it does now. I should like an explanation.

The Hon. the COLONIAL SECRETARY:—I said the traffic does not go along the bridge and therefore does not pay the toll.

The Hon. W. W. MITCHELL asked to what other mile-post the toll was to be removed.

The Hon. the COLONIAL SECRETARY replied that it was to be removed a quarter of a mile from the bridge. (He produced a plan which he explained to the hon. member.)

The Hon. W. W. MITCHELL:—Sir, the explanation which has been afforded to me enables me to understand that it is not the establishment of a new toll that is proposed, but merely the transference of an existing toll from one point to another which is quite another thing from what I was led to suppose. I therefore withdraw opposition to the motion.

The Hon. P. RAMANATHAN:—May I mention, sir, that the understanding which the Council arrived at some years ago was that where a new toll was sought to be established there should be a special motion in Council, but surely no motion is necessary when it is merely proposed to shift an existing toll from one place to another.

The Hon. the COLONIAL SECRETARY:—It is just a matter of degree—whether altering a place too much is not practically establishing a new toll; and in doubt on

the subject we have come to the Council for authority to establish this toll. As a necessary consequence of the passing of this resolution an order will be sought from the Governor and Executive Council, abolishing the toll at the present place. Agreed.

The Hon. the COLONIAL SECRETARY next moved that a toll be established on the Veyangoda-Ruwanwella road on the Veyangoda side of the Ruwanwella bridge and within a mile of it. He said:—This stands almost precisely in the same position as the other with the exception that the bridge has just been completed and the ferry toll still exists. Of course when the toll is established on the road about a mile distant from the ferry it will clear any toll there may be at the ferry. I think it very improbable that that toll will be continued.

The Hon. the GOVERNMENT AGENT, W.P., seconded and in reply to him

The Hon. the COLONIAL SECRETARY was understood to say that the bridge referred to crossed the stream at its confluence with the Kelaniganga. Agreed.

#### FLOOD OUTLETS.

The Hon. J. J. GRINLINTON:—Before we proceed with the orders of the day, sir, I hope I am within bounds in drawing attention to the documents with regard to flood outlets which I see laid on the table today for the first time. So far as I can see these documents contain only a summary of the views expressed by the members of committee, and from that summary I do not think it is possible to form an opinion.

The Hon. the COLONIAL SECRETARY:—It is rather difficult to please everybody. These papers were formally presented to the Council on 26th October last. A plan accompanies them, and in order to get several copies for the convenience of members this plan is being lithographed. It is rather a tedious process, and it is being done in the Surveyor-General's Department, on which there is an unusual demand at the present time, and so the plans are not yet ready. An hon. member called my attention to the fact that members had not yet been placed in possession of the papers, and in order to prevent further complaints I had the papers circulated and placed in the hands of members with the intention that the plans should follow when they were ready. I was assured the other day that they would be ready within a week or ten days.

The Hon. J. J. GRINLINTON:—I was not referring to the plan but to the papers which have been presented. I think the least that can be done when members devote a good deal of time and attention to a serious matter like this, is that their opinions should be placed before the public and not merely a summary.

The matter dropped.

#### EXEMPTIONS FROM CUSTOMS DUTY.

The Hon. the AUDITOR-GENERAL brought up the report of the Law Officers of the Crown and thereafter moved the third reading of "An Ordinance for exempting from Customs Duty certain articles imported or purchased for the use of Her Majesty's Naval and Military Forces."

H. E. the MAJOR-GENERAL:—Sir, in seconding this motion I am glad to have the opportunity of thanking Your Excellency and this Council for the liberal manner in which the troops have been dealt with in the Ordinance.

The bill was then read a third time and passed.

#### CONTINGENT SERVICES 1893.

On the motion of the Hon. the COLONIAL SECRETARY the Council went into Committee on "An



Ordinance for making provision for the Contingent Services for the year 1893."

THE MEDICAL DEPARTMENT.

The Hon. the COLONIAL SECRETARY explained that when the last bill was in consideration in Committee the items referring to the Medical Department and hospitals and dispensaries were postponed with the view of asking Council to give effect to a union of the branches of the medical service. He had not then the precise figures, but he had them now, and was prepared to move an amendment.

The Hon. P. RAMANATHAN reminded the Hon. the Colonial Secretary that certain papers were to be laid on the table in order to enable members to arrive at a decision upon the scheme itself, and unless these papers were tabled before hand and time given as promised they would not be able to consider the items.

The Hon. the COLONIAL SECRETARY replied to the effect that he did not understand that the papers were to be circulated, but they were prepared and were open to hon. members. This was a measure of relief for the advantage of the department and certainly it was desirable to have it carried out, but if hon. members did not feel prepared to go on with the proposal it could be postponed. It was however for the Council to say.

The Hon. L. H. KELLY:—I would ask, sir, if this is to a certain extent giving effect to what I asked for last year, or whether it is only to affect a certain portion of the medical service. Is this amalgamation or mode of working to run through the whole Medical Department, that is to say, the estates branch and the Civil Medical Department? I was not present at the last meetings of Council. If it is to give effect to what I pleaded for I trust that Government will proceed to carry it out as I am under the impression they intend to do.

The Hon. Dr. ANTHONISZ:—Am I to understand that the vote for the Medical Department includes the R6,000 which the Hon. the Colonial Secretary mentioned at last meeting was necessary for the amalgamation of the Civil Medical Department and the estates branch?

The Hon. W. W. MITCHELL:—I think, sir, this might be postponed for a week. This is the first I have heard of it, and I do not know that the matter was discussed even in Sub Committee. Members who attended the Sub-Committee meeting say they are not aware of it having been discussed. I think we ought to have further information on this important matter before proceeding to deal with it.

The Hon. the COLONIAL SECRETARY replied that it was only at last meeting that he was in a position himself to say anything on the subject. Hon. members might be well aware of the lateness with which applications for money came in. Only that morning he had received urgent applications for amendments to be made on the supply ordinance. That might perhaps to some extent explain his anxiety to have the supply ordinance passed. He could assure hon. members that his life was almost a burden until the ordinance was passed. He should like to know after having postponed consideration for a week what hon. members wished to be done between this and next week.

The Hon. P. RAMANATHAN said the papers could be passed round among the members who would peruse them before next meeting.

Consideration of the items was then postponed till next week.

H. E. the GOVERNOR intimated that the papers were at the disposal of members.

The Hon. the COLONIAL SECRETARY said that if hon. members had a suspicion that some revolutionary scheme was proposed he could assure them that there was nothing of the sort, and that in five minutes everything could be explained.

THE EXPENDITURE FOR VOLUNTEERS.

The Hon. the COLONIAL SECRETARY next referred to the vote for military expenditure, and said that at last meeting Council were good enough, on the recommendation of the sub committee, to make a provision of R30,000 for additional expenditure in connection with the Volunteers. The application came somewhat late, and on a further scrutiny of the figures it had been found that a certain provision of R10,000 had already been made. He therefore moved the reduction of the vote by that sum and that the total be carried out at R113,818 instead of R123,818. Agreed.

ROADS.

Votes for the maintenance of roads in the Western Province which were postponed from last meeting at the request of the Hon. the Government Agent, W.P., were next taken up and passed without opposition.

CANALS.

The Hon. the GOVERNMENT AGENT, W.P., referring to the votes for the maintenance of inland navigation said there had been no change made in the figures for years, and there was no change proposed for 1893. The votes for 1890, 1891, 1892 and those proposed for 1893 were almost identical. He thought it impossible to suppose that the amount acquired for maintenance could always be exactly the same. The figures he thought were stereotyped and went on from year to year without reference to the officer in charge. On the canal from Colombo to Pamunugama, which was only nine miles and not 20 as stated, the tolls collected by Government would be R13,105 out of which Government proposed to spend R5,600 in maintenance. On the canal from Colombo to Bolgoda the tolls amounted to R3,901 out of which it was proposed to spend R3,415; and on the canal from Pamunugama to Kanuwana it was proposed to spend R1,920 while the toll money amounted to R9,340. Negombo was denied the railway because of its easy access to Colombo by water, and he believed because it was understood that the railway could not compete with the water carriage. Government derived a large revenue from the tolls on the canal and although he would not press the matter at present he hoped that in the estimates for 1894 some further consideration would be given to this water carriage from the Negombo district which is large, populous and wealthy and pays a very large revenue to Government. The proposals of the Provincial Road Committee would be sent in earlier next year than this so that they might receive adequate and due consideration.

The Hon. A. DE A. SENEVIRATNE said he should like some information on two points—first whether the toll money collected was not intended to be spent on improving the canal or the road for which the toll had to be paid, and second, whether complaints had been frequently received by Government regarding the state of the canals. He should like to get information on these points in view of the statement that had been made by the Hon. the Government Agent.

The Hon. the COLONIAL SECRETARY said he was at a disadvantage in not having notice of the questions which hon. members had come prepared to fire at him. He might say with regard to the inquiry of the hon. the Sinhalese member that complaints did not come in frequently; at



the present moment he could not bring one to his recollection; but at the same time he was not prepared, in view especially of what had been stated by the Government Agent, to state that the canals were in a perfect condition. He would say, however, that if any representation was made either by the members of the community using the canals, or by the Government Agent on their behalf, they would receive the attentive consideration of Government. With regard to the application of the tolls, he would say that tolls were levied and raised in consideration of the use of the canals, and that the Government, in return, were certainly under an obligation to keep these canals in efficient order, but it would not be practicable and perhaps not fair to apply to each precise locality the respective tolls of these localities. With regard to what fell from the Hon. the Government Agent he could not bring to recollection any change having been under consideration. He thought that probably these provisions were justly characterized by him as stereotyped. They had very little information as to these roads and what was necessary for their maintenance and they must naturally in a matter of that sort take the figures very much on trust from the Director of Public Works. These figures had been continued in the estimates for several years and were so with the assistance of the Hon. the Government Agent.

The Hon. the GOVERNMENT AGENT, W. P., said it seemed to be lost sight of that all the principal thoroughfares and canals in this country were under the charge of the Provincial Road Committees whose duty it was to place before the Governor every year their wishes in regard to the amount, of money to be spent. His Provincial Road Committee were rather late in doing so this year although within the statutory time, but next year care would be taken to place their views before His Excellency earlier. As to what appeared in the statement he was not personally responsible. The whole thing was put before the Provincial Road Engineer, who was well capable of judging.

#### THE NARROWNESS OF BRIDGES.

The Hon. A. DE A. SENEVIRATNE wished to ascertain how it was that the recently constructed bridge at Digarolla had been allowed to be built so narrow that great inconvenience was caused to people who had carts or carriages to take along the bridge. He had been informed that two carriages could not cross each other on the bridge; that carts had to stop at one end of the bridge to enable other carts to pass. He thought it a great mistake that a bridge should be constructed in such a way. The road was the one leading from Colombo to Galle. It was true that the railway ran parallel with the road, but still the traffic at that part was, he believed, very great. This he believed was not the only instance and he mentioned the Toppu Bridge on the Chilaw road.

The Hon. the COLONIAL SECRETARY believed that the usefulness of the bridge referred to had been very much impaired by the narrowness of the roadway. He believed he had the privilege of being one of the first to pass along the bridge, and its narrowness was generally remarked at the time. Afterwards it was found that to make it a little broader would cause a considerable addition to the cost. It was the laudable object of economy which had brought about this sacrifice of the convenience of travellers. The other bridge had the same defect. He understood that a general order had been issued which would prevent any bridge on the principal roads in future being built of such a narrow width. (Applause.)

#### ROAD IMPROVEMENTS.

The Hon. the COLONIAL SECRETARY referring to the vote of R6,000 for improvements on roads said this was an item which had been continued for the last two or three years to enable the Director of Public Works to make certain improvement in roads, the necessity for which might present itself during the currency of the year.

#### ARTESIAN WELL-BORING.

The Hon. W. W. MITCHELL called attention to the item of R6,000 for artesian well-boring and to the fact that according to the statement of unexpended balances there was a sum of R5,000 to be carried forward for expenditure in 1893. Last year he asked for some information regarding these operations but he was not aware that any had been furnished. He should like to know where these operations were carried on.

H. E. the GOVERNOR:—I may state for the information of Council in reply to the hon. member that during the course of last year a well-boring apparatus was imported from America at considerable cost. It arrived only recently and has since been employed in boring at Negombo, but I am sorry to say with no great success up to the present time. It is intended to prosecute the operations at Negombo and when these are completed to try it at Mannar and at Matara.

#### THE CONVICT HOSPITAL AT BORELLA.

A sum of R7,000 was voted for an additional ward to the convict hospital, Borella, the Hon. the Colonial Secretary remarking that it was necessary to extend the hospital accommodation adjoining the principal jail.

#### THE ROAD BETWEEN RANNE AND HAMBANTOTA.

On the motion of the Hon. the COLONIAL SECRETARY R5,000 was voted for the improvement of the road between Ranne and Hambantota on the representation of the Director of Public Works, who, the hon. gentleman remarked, was at present on a tour of inspection in that part of the island, and had pointed out that it was very desirable to have this road improved. At a later stage the hon. the Colonial Secretary explained that it had been intended to vote R5,000 on account of the improvement of Tangalla harbour which was necessary if it was to be made available for the coast steamers and other craft. The works he said would be considerable, but they were not in a position to go on with them at present. It was in lieu of this work that he proposed the substitution of a similar amount for the road improvement he had referred to.

#### A DIFFERENCE AS TO GEOGRAPHY.

An item of R12,500 for improving the minor road from Alagawatta towards Kukulegam which it had been intended to take from the Western Province and add to the Southern Province was allowed to stand, after some remarks by the hon. the Government Agent for the Western Province, and an explanation by the hon. the Colonial Secretary to the effect that there had been some difference on a matter of geography.

The further consideration of the bill in Committee was adjourned.

#### THE EXTENSION OF THE SUPREME COURT BUILDINGS.

The Hon. P. RAMANATHAN wished to know what arrangements had been made by Government in connection with the improvements contemplated on the premises of the Supreme Court. There had been a call for witness shed accommodation for which R4,360 had been provided, but he wished to know what other accommodation was called for.



The Hon. the COLONIAL SECRETARY replied to the effect that some time ago it was contemplated that perhaps there might be some considerable additions at the courts of justice, but the proposal had not taken any definite shape, and no plan had been arrived at. The witness shews he was understood to say was only a small portion of it.

#### THE DUTCH CHURCH AT JAFFNA.

The Hon. L. H. KELLY asked what the item of R6,000 in the supplementary contingent charge bill for 1892 for the purchase of the Dutch Church at Jaffna meant.

The Hon. the COLONIAL SECRETARY:—It was an arrangement that was carried out a great deal at the exhortation of the predecessor of the hon. the planting member, who in and out of the Council appealed to Government to do something for this historic church.

The Hon. L. H. KELLY:—I meant to ask what are the intentions of Government now in regard to this church which has been purchased, and what does the "do something" mean.

The Hon. the COLONIAL SECRETARY:—When we acquire buildings we generally lay down some restrictions as to their use. If the hon. member would state what he points at in his inquiry perhaps I may be perfectly able to satisfy him.

The Hon. L. H. KELLY:—The hon. gentleman stated that Government had purchased that church with the object of doing something for it. I shall be very pleased to know what Government intend to do for it.

The Hon. the COLONIAL SECRETARY:—I did not say so. I stated that we had purchased the church very much in consequence of the repeated appeals that were made by the hon. member's predecessor in this Council and out of it.

H. E. the GOVERNOR:—I think I may explain to the Council that the object of the Government in buying this church at Jaffna was to preserve an extremely interesting historical monument from perishing. It was falling into a deplorable state of decay and the members of the Dutch Church at Jaffna were unable to undertake the repair of it. The church contains many interesting monuments and is associated with much of the history of the colony. It seemed therefore very much to be regretted in the interests of archæology and history generally that such a building should be allowed gradually to perish, and the Government after some negotiations with the representatives of the Dutch Church have bought it. There is some sort of understanding that it will not be turned to any purely secular purpose, and that it will be still available for the religious services of any denomination who wish to hold them. It is also hoped that the Dutch Church will form a sort of repository for interesting Dutch monuments which may be found in other parts of the island and which are not properly protected and sheltered. There are some such monuments at Mannar and also at Trincomalee and it is proposed to remove these monuments to the old Dutch Church of Jaffna in order to prevent their being destroyed or lost. I think the acquisition of this building became a matter of interest so long ago as the time of Sir W. Gregory and until I was fortunate enough to be able to negotiate terms with the representatives of the Dutch Church in the island—the negotiations were only completed a few months ago. I think—it had not before been found possible to arrive at any satisfactory conclusion of the transaction.

#### SURPLUS REVENUES.

Council went into Committee on "An Ordinance to apply a portion of the Surplus Revenues of past

years to works and services of acknowledged Public Utility."

The Hon. the AUDITOR-GENERAL explained that the Council had completed consideration of the bill in Committee unless some objection was made to the items for three roads which were transferred from the supply bill. At the request of the Government Agent, W.P., the bill was kept in its present stage in order to admit of any objection being made to the transfer. He believed that no objection had been made.

The hon. gentleman was about to move that the bill he now reported when some doubts were expressed as to whether the items referred to had been added and he accordingly moved (as on 16th Nov.) that the various sums be added. This having been done, Council resumed, when the Hon. the Auditor-General reported the bill as amended and moved that it be referred to the law officers of the Crown. Agreed.

#### SUPPLEMENTARY CONTINGENT CHARGES 1892.

Council went into Committee on "An Ordinance for making provision for the Supplementary Contingent Charges for the year 1892."

A report by the Sub-Committee was submitted containing the following:—

2. With reference to the item of R1,500 desired for experimental paddy cultivation in the Eastern Province, the Sub-Committee consider that a debtor and creditor account, showing all the sums expended on this cultivation, and the source from whence they were obtained, also all sums received by sale of the paddy grown, should be furnished by the officer who was responsible for carrying out the experiment, and an explanation why the profits have fallen so far short of the cost of growing the paddy that it has become necessary to apply to the Legislative Council for a vote for the difference.

3. The Colonial Secretary brought to the notice of the Sub-Committee the insufficiency, which had been represented subsequently to the preparation of the Supplementary Estimates, of the capitation grants to meet the cost of clothing, band, and other regimental expenses of the Volunteers. The deficiency was reported to be R14,919.04 on the 31st Oct., and a further sum of R5,000 was required to meet claims to the end of the year. The Colonial Secretary having submitted whether the deficiency should not be covered by a supplementary vote, the Sub-Committee were of opinion that it had better be dealt with by an advance to be repaid in the next five years, the capitation grants being slightly augmented to enable the regimental fund, with the exercise of economy, to repay the advance.

4. In recommending the addition, at the instance of the Colonial Secretary, of provision of R5,280 for taking down and re-erecting the Police Barracks at Badulla, in consequence of the building of the new Court-house, the Committee understood that the amount will not be finally paid from Public Funds pending the explanation, which has been called for by Government, of the reasons for this expenditure not having been foreseen and provided for in the estimate for the Court-house.

5. The provision for the repairs of the Adampukulam tank and of the Battuluoya cross bund should be transferred to the Miscellaneous sub-head of the Public Works vote from that of Irrigation, to which the services do not properly belong.

6. The Sub-Committee would call attention to the large amount of these Supplementary Estimates, which exceed a total of R1,300,000. While recognising that a large proportion of them is due to the fall in exchange and other urgent and unavoidable expenditure to which could not reasonably have been foreseen when the Estimates for the current year were prepared, the Committee would suggest for the consideration of the Government whether, when practicable, in cases of services over R5,000 it would not be desirable to



revert to the practice under which previous application was made by Message to the Council for their sanction to expenditure before the money was spent.

PROVINCIAL ADMINISTRATION.

The Hon. the COLONIAL SECRETARY moved that the total under this head be carried out at R116,132 which included the increase recommended by the Sub-Committee and R700 to meet additional travelling expenses of the Government Agent and Assistant Agent of the Southern Province. Correspondence was pending during the preparation of the estimates and it was only at the last hour that Government were under the necessity of making provision for this additional money.—Agreed.

THE ENGINEER'S OFFICE AT RATNAPURA.

The Hon. W. W. MITCHELL said that in Sub-Committee he had been promised some information regarding the item R2,000 for the provincial engineer's office at Ratnapura under the head of new works and buildings.

The Hon. the COLONIAL SECRETARY admitted that he undertook to ascertain something about the matter, and his information was that at a later stage of the committee meeting the papers were handed to him and that he passed them on to the hon. member. However, if he was mistaken, a further search would be made for them.

EXTRAORDINARY EXCESS OF ESTIMATE.

The Hon. the COLONIAL SECRETARY was sorry to have asked the Council to increase the vote for the bridge over the Gurugoda-oya by R16,625. Provision had been made for this bridge at various times—R5,000 in 1891, R35,000 in 1892, and R20,125 was proposed in the Supplementary Supply Bill now before the Council, making in all R60,125. It was only within the last fortnight or so that it had been brought to the knowledge of Government by the Director of Public Works that the bridge could not be finished by his department within the estimated amount that had been provided and that a supplementary provision for the considerable sum he had named was necessary. The application came with great surprise to Government, and it had caused some little inquiry; but the bridge which had been begun and carried on at considerable expense must be completed, and there was no alternative but to ask the Council to vote this additional amount.

The Hon. W. W. MITCHELL:—R17,000 is about 25 per cent over the original estimate, and I trust that the reasons for the excess will be fully explained to the Council after the inquiry has been completed. I can hardly understand how anyone can satisfactorily explain an estimate being exceeded by 25 per cent. Indeed the bridge is one which I consider hardly necessary at all. I should not like to say it was disgraceful until the inquiry has been completed, but I cannot think how a matter of this kind can be explained away.

The vote was agreed to.

EXPERIMENTAL PADDY CULTIVATION.

The Hon. W. W. MITCHELL called attention to the recommendation in the 2nd paragraph of the Sub-Committee's report and asked if effect would be given to it.

The Hon. the COLONIAL SECRETARY—Certainly, and I may take this opportunity of saying that all suggestions of this character that are made in the reports of Sub-Committees are always taken up and pursued by Government.

Further consideration of the bill in Committee was adjourned in order to make up the total, the Hon. the Colonial Secretary remarking that

it could be passed along with the supply bill at next meeting.

Council then resumed.

SUMMARY PROCEDURE.

Council went into Committee on "An Ordinance to empower Police Magistrates to try certain offences in a summary way."

The Hon. P. RAMANATHAN suggested that the Bill be referred to a small Sub-Committee to consider some suggestions he had to make on the subject.

The Hon. the ACTING ATTORNEY-GENERAL had no objection to that, and moved the appointment of the following Committee:—The Hons. the Treasurer, the Government Agent, W. P., Messrs. Ramanathan, Seneviratne, Panabokke and the mover, form a quorum.

This having been agreed to, Council resumed.

THE RATES ON REAL PROPERTY IN COLOMBO.

The Hon. the ACTING ATTORNEY-GENERAL brought up the following report on "An Ordinance to remove doubts as to the purposes towards which the rates on real property may be applied by the Municipal Council of Colombo."

The Sub-Committee appointed to consider and report on the Bill intituled "An Ordinance to remove doubts as to the purposes towards which the rates on real property may be applied by the Municipal Council of Colombo" have the honour to report as follows:—Two Members of the Sub-Committee would prefer the adoption of a Bill on the lines of the one subjoined. The other two Members would prefer the original Bill, which they believe to be sufficient, because, with regard to arrears of assessment tax due for time prior to the passing of Ordinance No. 7 of 1887, section 75 of that Ordinance vests such moneys without any express condition in the Municipal Council, and section 78 makes such moneys payable to the Municipal Fund.

O. P. Layard, J. A. Swettenham, A. Seneviratne J. J. Grindlinton.

The Bill referred to is as follows:—

Whereas doubts have been entertained as to whether the Municipal Council of Colombo has lawfully applied the rate or rates heretofore made, assessed, and levied by them under the provisions of the Ordinance for the time being applicable to the municipal Council of Colombo, and it is expedient to remove such doubts: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:—

1. The application in whole or in part by the Municipal Council of Colombo heretofore made of any rate or rates made, assessed, and levied under the Ordinances No. 17 of 1865, No. 16 of 1881, No. 7 of 1886, or No. 7 of 1887, to any purpose or purposes other than those provided by the said Ordinances or any of them, is hereby declared to have been in all respects and for all purposes legal and valid.

The original bill was also appended.

Council went into Committee on the bill, when

The Hon. A. DE A. SENEVIRATNE moved the substitution of clause 1 of the new draft for clause 1 in the original bill. He said:—The Municipal Council applied that the past appropriations of funds collected under the several Ordinances might be made legal. I do not think that the Municipal Council desired, or now desire, that in future money raised for one purpose should be appropriated for other purposes. It would be different if there were a surplus; but we do not think there will be any surplus, and therefore we do not think it desirable that provision should be made for a surplus not likely to exist.



The Hon. J. J. GRINLINTON, seconded, saying :— The remarks made by the hon. member are in accord with what I have stated before, and the clause he has read will meet the case of the Municipal Council.

The Hon. the AUDITOR-GENERAL.—I rise to oppose the motion. As a member of the Sub-Committee I expressed an opinion in favour of the original bill and opposed to the amended one that has now been brought before the Council. I have heard the arguments advanced by the proposer and seconder of the amended bill and I remain unconvinced by them. I cannot agree with the hon. member for the maritime Sinhalese in his statement that what was requested by the Municipal Council was at all more in conformity with the amendment than with the original bill. What was sent to the Government by the Municipal Council was a printed resolution which was before the Sub-Committee, and was discussed by it. I regret that I have not it by me at present, but I am perfectly certain in my recollection that what it asked was that a bill should be passed exactly like the ordinance 12 of 1878. That ordinance, in addition to ratifying all past misappropriations of police assessment, went on to make lawful all future misappropriations. Now any bill drafted on the lines of No. 12 1878 cannot fail to provide not only for past misappropriations, but also for future misappropriations. Therefore the bill which is now properly before Council is strictly in accordance with what was professed to the Government as the desire of the Municipal Council. It may be that the Municipal Council did not take sufficient care in expressing what it desired, but the Government took sufficient care to draft a bill that expressed the desire of the Municipal Council. If any mistake had been made it was for the Municipal Council to explain that mistake to the Government, and I think also to express regret for having misled the Government. I have not heard any explanation from the Municipal Council that they have misrepresented their wish and regretted it, and therefore I do not think that on the part of the Municipal Council this amendment comes to us with the authority it ought to have. In this matter the Municipal Council are in the position of wrong-doers. According to their own account they have been guilty of wrong-doing, amounting, in the opinion of some to malversation of public funds from 1865 to 1878, when they obtained an indemnity from the Council. Now they come and ask for a further indemnity, but, habitual wrong-doers, they ask the Legislative Council to limit the indemnity to past acts, and not leave them at liberty in future to deal with these rates and taxes in the way in which they have dealt with them in the past. Sir, I think the Council is not entitled to take advantage of its own wrong-doing—is not entitled to dictate to this Legislative Council what should be the extent of the remedy that should be applied. Their position as wrong-doers does not give them any right whatsoever to dictate to us. The Legislative Council has the right to say to the corporation: "You have erred in time past. Once your error was corrected in 1878. You have erred again, and come to us again in 1892. We are tired of these repeated errors on your part and we desire once for all to put an end to them. This bill not only grants an indemnity but leaves you at liberty in future to deal with your funds as you may wish and will prevent any future applications of this kind. We have had two of these applications, and may have ten in the future, and this bill which the Legislative Council is pleased to pass will prevent this Council being exposed to these applications." More than that, sir, if you look at the matter from the broadest principles of the public good and deserving what is the best thing for

the people of this great city, it is beyond all doubt that whatever funds they contribute by taxation or rates should be expended for the best benefit of the greatest number and therefore any limitation upon the expenditure of those funds is unwise and impolitic. The Bill drafted by the Government enables the Council to deal with its funds in future in the most ample manner possible. There is no restriction whatever, at it does away with all restrictions. The amendment proposed by the hon. member for the maritime Sinhalese would leave the Municipal Council tied and bound with respect to a large portion of its revenues in future, and they would be unable to expend these revenues in what may be to the best interests of the greatest number of the people of Colombo. On that ground and that ground alone I claim that the amendment should be rejected.

The Hon. Mr. GRINLINTON :—Sir, I have listened with very great attention to what the hon. member (the Auditor-General) has said, and I cannot agree with him. The statement first made to the Government by the Municipal Council was not in accordance with the resolution passed by the Sub-Committee that dealt with the subject. An error was made, and subsequently the Municipal Council desired to correct that error. I hold in my hand the resolution on the matter, which he read and continued— Now, sir, I maintain that it is the duty of this Council to pay attention to what the Municipal Council requires, and not to give it what it does not require. I maintain that, if the Bill is passed as originally drafted, it will be in opposition to the views of the Municipal Council. The Municipal Council are most anxious that the consolidated rate levied to meet the expenditure on gas, water, and police should be spent on those objects and on nothing else. The rate is at present insufficient to meet these three purposes, and a great number of improvements are required in Colombo in regard to laying water-mains and gas-pipes, and until such time as all these improvements are made and the rate is proved to be in excess of the requirements the Municipal Council have no desire for authority to spend the rates upon anything else. I consider that it is the duty of the Legislative Council not to take into consideration whether the Municipal Council have expressed their regret or not but to pass a bill such as the Municipal Council require. The resolution I have read is quite sufficient to convey to this Council what the Municipal Council desire, and I do trust the Council will not pass any Ordinance in direct opposition to the requirements of the Municipal Council of Colombo.

The Hon. M. C. ABDUL RAHMAN said that section 127 of the Municipal Councils Ordinance provided for police, gas and water but none of these benefits was sufficiently carried out and completed. Some portions of the town were still without police, gas and water, and others were very barely supplied. There was an outcry in the town that thefts and crimes were rife and that there was not sufficient police to detect it; but it was mostly on the darkest midnights the gas lights were put out, which greatly helped the burglars. Many standpipes were half closed, and crowds of people had to wait to fill up their water chatties. These could not be called economies and savings. If the funds were to be used for other purposes than that which they were intended for, it meant no further extension of gas and water. The assessment rate was fixed upon the full annual valuation, without any compensation for repairs and unoccupied houses; which was felt to be very hard upon the householders. If there be any surplus Balance which ought to be remitted to the tax payers. This action some thing like a



trade. When the Municipal Council was introduced into Colombo the people thought they were going to have a great blessing—that the ruinous houses would be rebuilt by the corporation and other great improvements made, but they knew how much of the expectations had been fulfilled. I had some experience as a member in the municipal council about 20 years ago. It was very necessary to have a new clause such as that in the Local Board Ordinance to exempt, on the plea of poverty. There were more poor people in the municipal limits than the local boards. I have seen poor helpless widows' small holdings were sold for few rupees. The proposed Ordinance was unsuited, because the intended purposes were not carried out, and therefore he begged to move the withdrawal of the Bill.

H. E. the GOVERNOR said a fresh amendment could not be moved until the present one was disposed of.

The Hon. P. RAMANATHAN:—I believe, sir, the Hon. the Auditor-General is technically right in much of what he has said, but, sir, is it worth while at this time of day to insist on mere technical objections? Let us look rather at the facts of the case. The Municipal Council wanted an Ordinance of a particular kind to help them to carry out their own administration upon their own lines and it is our duty to do our best to help them in their intention; and as a question of fact if we are satisfied as I think we are that the Municipal Council desire an Ordinance framed on the lines proposed by my hon. friend who represents the Sinhalese community, I think we ought to have no hesitation in giving effect to their wishes, and seeing that the new clause proposed is inserted in place of the original one. I think, sir, I may assure hon. members that nothing is further from the intention of the members of the Municipal Council than to act in a way not consistent with the respect due to the Legislative Council. My hon. friend, the Auditor-General, said that the Municipal Council attempted to dictate terms to the Legislative Council, but on the contrary they appeared before this Council as petitioners and pointed out by way of a memorial that their intentions had been misunderstood, and they humbly prayed that their real intentions might be given effect to. I submit, sir, that it is only proper that we should not do anything which the Municipal Council do not want us to do, and being of that view I shall clearly support the amendment proposed by my hon. friend the Sinhalese member.

The Hon. T. B. PANABOKKE:—Sir, I wish to make a few observations. The two points at issue seem to be, that, on the side of the Government, it is contended that the Municipal Council cannot be allowed to dictate to this Council what they are to do; and on the other hand the Municipal Council, as my hon. friend put it, come to us as petitioners and pray for a certain Ordinance to legalize certain acts that the Council have unlawfully done. I fully agree that the Legislative Council cannot stand dictation from the Municipal Council; but I do not think the matter should be viewed in that light. I think we should take a more liberal view of it. If what they asked for is not granted I do not think that we are strengthening their hands as we ought. I think it is but right that we should accede to their request and allow the amendment proposed by my hon. friend who represents the maritime Sinhalese and which I have much pleasure in supporting.

The Hon. W. W. MITCHELL.—Sir, I have listened with regret to the remarks of the Hon. the Auditor-General, accusing the members of the Municipal Council of malversation of funds for a series of years, and in a somewhat childish way, I think,

complaining of want of respect for the Legislative Council. I do not think we have any evidence of that—at all events I have seen no indication of it, and I think if the Legislative Council were to wait until a public body apologized before passing an Ordinance which is necessary it would be doing a great deal of harm to the public interests. I consider that the members of the Municipal Council are much better able to judge than others of what is best for them and what they require; and it appears to me that Government are seeking to give them a great deal more than they ask for in giving them permission to devote money to other purposes than those for which the taxes were levied. I have much pleasure in supporting the amendment.

The Hon. Dr. ANTHONISZ—Sir, I quite agree with my hon. friend on my right (Mr. Grinlinton). The tax levied for gas, water, and police, should be spent for that purpose and nothing else. Already the light is not sufficient, and the Superintendent of Police has applied for more. The rate just now is enough and no more.

The Hon. the COLONIAL SECRETARY:—I think I may state, sir, that all along Government have had no intention except to give effect to the wishes of the Municipal Council. As I understood the remarks of the Auditor-General, they were to the effect that the Municipal Council have changed front more than once in the request they made to Government. I speak from recollection only, but I think I am right in my impression. Government have not a strong feeling one way or the other; but I certainly, sir, do not see myself that there is very much practical difference between the two ordinances. It has been said the revenue is insufficient to meet the three purposes mentioned and that, being so there will be no surplus, but by this bill, as we propose it, the Municipal Council will have the matter entirely in their own hands and be able to use the whole of the revenue, and if there is no balance to appropriate, the Ordinance will not operate. If I had to make any choice between the two bills I would, as a matter of business, select the one of the Government, for the reason that the Municipal Council never can at any time raise precisely the amount required, and when there is a surplus there would be a provision for dealing with it. I should not like the remarks of my hon. friend the Muhammadan representative as to the highness of the rate to pass without saying for myself that I cannot think the rates are high at 11 per cent which is little more than 2s in the £.

The Hon. P. RAMANATHAN:—Really 15 per cent in practice.

The Hon. the COLONIAL SECRETARY:—I am a taxpayer, and I pay only 11 per cent, of which 4 per cent is for water, and is really not a tax, leaving 7 per cent as compared with 4s to 4/6 in the £ in the Municipality I was last connected with. The Municipal taxes in England are frequently from 4s to 6s 8d in the £. With regard to the merits of these two bills there is really, as I said, no practical difference, and as an independent member had I to choose between them I should, for the reason stated, choose the Government bill.

A division then took place as follows:—

<i>Ayes.</i> (9).	<i>Noes.</i> (7).
The Hon. L. H. Kelly	The Hon. the Principal
„ M. C. Abdul Rahiman	Collector of Customs
„ T. B. Panabokke	„ Govt. Agent, W.P.
„ J. J. Grinlinton	„ Treasurer
„ A. de A. Seneviratne	„ Auditor-General
„ W. W. Mitchell	„ Attorney-General
„ Dr. Anthonisz	„ Colonial Secretary
„ P. Ramanathan	H. E. the Major-General
„ the Surveyor-General	

H. E. the GOVERNOR thereupon declared that the amendment had been carried by 9 votes to 7.



The preamble of the bill was thereafter amended as proposed in the draft, and on the Council resuming the Hon. the ACTING ATTORNEY-GENERAL reported the bill as amended and moved that it be referred to the law officers of the Crown for report. Agreed.

#### THE CHURCH OF ENGLAND IN CEYLON.

The Hon. the ACTING ATTORNEY-GENERAL then moved the second reading of "An Ordinance to amend the Ordinance No. 6 of 1885."

The Hon. the GOVERNMENT AGENT, W.P., seconded, and this being agreed to Council went into committee on the bill, when the words "in Ceylon" were inserted.

The Hon. Dr. ANTHONISZ said he does not oppose the ordinance, the churches in Ceylon having been disestablished he did not see why the Ordinance was required. If the ordinance was cancelled that was all what was necessary.

The Hon. the ACTING ATTORNEY-GENERAL said the hon. member was not in order now the principle of the bill had been accepted by the Council which had allowed it to pass the second reading.

Council then resumed, when the bill was reported as amended and referred to the law officers of the Crown.

#### THE ADJOURNMENT.

The Hon. the COLONIAL SECRETARY moved that the Council do now adjourn till Wednesday next at 3 p.m.

Council rose at 5-55 p.m.

### WEDNESDAY, DECEMBER 7, 1892.

*Present*:—His Excellency the Governor (in the Chair), H. E. the Major-General, Officer Commanding the Troops; the Hons. Sir E. Noel Walker, Colonial Secretary; C. P. Layard, Acting Attorney-General; G. S. Williams, Acting Treasurer; A. R. Dawson, Government Agent, W. P., Col. F. C. H. Clarke, Surveyor-General; R. Reid, Acting Principal Collector of Customs; P. Ramanathan, Tamil representative; Dr. P. D. Anthonisz, Burgher representative; W. W. Mitchell, Mercantile representative; A. de A. Seneviratne, Sinhalese representative; J. J. Grinlinton, General European representative; T. B. Panabokke, Kandyan representative; M. C. Abdul Rahiman, Muhammedan representative; L. H. Kelly, Planting representative; and H. L. Crawford, Clerk to the Council.

*Absentees*:—The Hon. the Auditor-General (Mr. J. A. Swettenham), and the Hon. P. A. Templer, Government Agent, C. P.

#### THE MINUTES

Of the last meeting were read and confirmed.

#### ASSENT TO ORDINANCES.

The Hon. the COLONIAL SECRETARY:—I have, sir, to announce that His Excellency the Governor has given his assent to Ordinance No. 20 of 1892—"An Ordinance for the Exemption from Customs Duty of Ceylon articles imported or purchased for the use of Her Majesty's Naval or Military Forces in Ceylon;" and to Ordinance No. 21 of 1892—"An Ordinance for making final provision for the Supplementary Contingent Charges for the year 1891."

#### PAPERS TABLED.

The Hon. the COLONIAL SECRETARY:—I beg also, Sir, to lay on the table the Revised Code for Aided Schools for 1893 together with a notification of the amendments; and Sessional Paper XXXIII of 1892—Jaffna Railway Survey, Report of the country between Kurunegala and Jaffna.

#### A SUPERINTENDENT FOR THE TECHNICAL SCHOOL : IMPORTANT ANNOUNCEMENT.

The Hon. the COLONIAL SECRETARY:—I have, sir, to mention to the Council in connection with the question that the hon. the mercantile member put me at the meeting before last as to the appointment of a Superintendent for the Technical School, that information has just been received from the Secretary of State that the appointment has been filled by the selection of a gentleman who will embark for this colony by the first available steamer after the new year. The Secretary of State, in explanation of the delay of which the hon. member spoke, stated that in view of the large variety of subjects named in the memorandum of application and with absence of sufficiently definite information from which to make a choice of the subjects on which stress would be laid in making the selection there had been considerable delay in obtaining a suitable candidate.

#### THE FLOOD OUTLETS: KACHCHERI CENSORSHIP.

The Hon. J. J. GRINLINTON was to have moved the following resolution:—"In reference to Sessional Paper XXIX. of 1892, on 'Flood Outlets,' laid on the Table at the last meeting of Council, that the reports therein be supplemented by copies of the plans which accompanied the original reports, and that the reports in detail of the three members of Committee whose opinions have only been summarized (a, b, c,) in the papers presented to Council be printed and made to form part of the Sessional Paper." The hon. member, when the motion was reached, said:—I beg permission now to move the motion that stands in my name, but I would ask also the permission of the Council to revise it in view of the fact that the plans I have asked for have now been placed on the table. With the permission of the Council I would amend my motion as follows:—"In reference to Sessional Paper XXIX, of 1892, on 'Flood Outlets' laid on the table at the last meeting of Council, that the reports therein be supplemented by the reports in details of the three members of Committee whose opinions have only been summarised (a, b, c,) in the papers presented to Council, and made to form part of the Sessional Paper." With your permission, I beg to put the motion in that form. I have no objection to the summaries as such; I think the summaries are very complete as summaries, but in a document like that presented to the Council—a sessional paper where the reports of men who have studied the subject for over two years are supposed to be recorded—I do think that the least thing that could be done is to record those reports in detail. The summary contains certainly the main features of the reports; but the summary does not contain the arguments adduced by those members of the Committee who drew up their distinct reports, and it is simply impossible to find out what were the intentions of the persons who drew up these reports by merely reading the summaries as it is also equally impossible to do so without having the plan in one's hand. It is a very complete plan, as was to be expected coming from the Surveyor-General's office. Now, sir, I have observed certain criticisms of these summaries in the public press, and these criticisms—judging from the summaries themselves—are fairly just; but I am perfectly satisfied that, had the remarks been published in detail, the criticisms would have been widely different from what they are. Remarks are made with regard to Sir John Coode's ideas not having been consulted. Now that was very far from the intention of the members of Committee. Personally I studied Sir John Coode's Report with every care, and I am quite sure that some of the other members of the



Committee did so; and when I referred to these reports, as I did last evening, I saw that Sir John Coode was quoted and that the very matters which Sir John Coode wished to have attended to before he could send in a more detailed report have been partly attended to by the Committee in the surveys and soundings they had made at the mouth of the Kelani-ganga. I think it would be a very bad precedent if reports of this kind were simply to be laid on the table summarized; and, with the view of laying before this Council fairly the views of the men who studied this subject for over two years, and who took an immense deal of trouble in investigating it, I hope the Council will agree to my proposal that the reports be printed in detail and that they form part of the sessional paper now before the Council.

The Hon. A. DE A. SENEVIRATNE rose for the purpose of seconding, but, as the Hon. the COLONIAL SECRETARY rose simultaneously, he gave way to him.

The Hon. the COLONIAL SECRETARY:—I have much pleasure in seconding the motion as I cannot suppose for one moment that there could be any objections. At the last meeting of Council—as regards the plans—I explained that the papers had been previously presented with the plan in the original copy; but the circulation of that paper when printed was delayed on account of the necessary delay in getting the plan lithographed; but the hon. member applied to me and called my attention to it and, in order to meet his wishes, as well as those of the other members, I had the paper circulated without the plans, with the intention that the plans should follow. They have followed today by being laid on the table. With regard to the other papers, I cannot in any way explain their absence. The collection of the papers which became sessional paper XXIX of 1892 was undertaken, I think, by my hon. friend the Auditor-General, who is not here today. Why he omitted the opinions at length I cannot say except his reason was the very forcible one to save printing. [The Hon. the GOVERNMENT AGENT of the Western Province here intimated to the speaker that he was responsible for the summaries.] I was going to say that a summary was made by the Government Agent of the Western Province and was sent as an enclosure to his letter; and perhaps my hon. friend thought this would answer the purpose; but this is mere speculation on my part; and as I propose to lay these papers on the table perhaps it is not necessary for me to speculate any further.

The Hon. the GOVERNMENT AGENT, W. P.:—It is entirely my fault that this summary is put in this paper instead of the full text given by the scientific members of the Committee. These opinions were very long and very verbose, and it struck me that a summary (and the hon. gentleman who represents European interests admitted it was a very good summary) would be more likely to attract attention and be read by the people generally than a very long and wordy paper. From a scientific point of view I may be wrong, but the paper can be very easily supplemented. I have the papers in my office, and I will send them to the hon. the Colonial Secretary.

The Hon. the COLONIAL SECRETARY:—I find that the papers are not in the possession of the Government, so I must withdraw that part of my remarks in which I said they were on the table. I thought they were in the possession of Government; but I am glad to be corrected.

The Hon. J. J. GRINLINTON:—I believe I am entitled to reply, which I should not have done, had it not been for the tenor of remarks made by my hon. friend the Government Agent. In his paper "Mr. Dawson is of opinion that the cost of so much of Major Day's scheme as will facilitate the

escape of flood water into the sea through the natural channel of the Kelani river should be estimated, and that if the cost is found to be within the present means of the colony, that part of the scheme should be adopted, and the work carried out, if possible, under Major Day's supervision; that Mr. Grinlinton's scheme is unnecessarily large and comprehensive and the proposal of Mr. MacBride too limited to suit the reasonable requirements of the case. Mr. Dawson is of opinion, too, that the difficulty of the ferry might be met, for the present, by allowing the line of ferry from R to S to be taken when the river is running high, and the line from R to T to be taken when the river is running low, thus securing sufficiently deep water for the ferry boat at all seasons and in all weathers." Now sir, that is an opinion of an unprofessional gentleman who happened to be Government Agent and thus as senior member sat as Chairman of the Board. Now, I object to have my opinions criticized in this manner; I did not intend to say so before but I do so now. Men who have studied subjects of this kind are obliged to put their remarks in detail. Let those who are competent judges say whether these remarks are fair and within reasonable bounds or not. I say that the reports are not lengthy. It took me 27 minutes to read the three reports last night,—consequently they cannot be very lengthy. I timed myself with a view to see why these reports were summarized in this manner, and I also think that, instead of its being said that the opinions were very diverse, it is only fair that it should be stated that two of the members of the Board at least agreed in every item—certainly everything except mere details,—and I think it is only just to those members that it should be stated that two members had agreed with the exception of some slight details.

The Hon. the COLONIAL SECRETARY:—Then, sir, perhaps I should put the matter in order by undertaking to call for the opinions which are not yet in the possession of the Government as I thought they were, and to lay them before the Council and have them printed in continuation of these papers. That will be in order. I am sorry there was a misunderstanding. It was owing to my absence and my consequent want of information as to the precise thing.

The Hon. P. RAMANATHAN:—The motion is agreed to, sir, I understand?

H. E. the GOVERNOR:—Yes.  
The matter then dropped.

#### UTILIZING SURPLUS REVENUES.

The Hon. the COLONIAL SECRETARY:—I beg to bring up the report of the Law Officers of the Crown on "An Ordinance to apply a portion of the Surplus Revenues of past years to works and services of acknowledged Public Utility" and to move that it be read.

The Hon. the ATTORNEY-GENERAL seconded; and the report, which certified to the legal correctness of the measure, was read.

The Hon. the COLONIAL SECRETARY then moved that the Bill should be read a third time; and on the Hon. the ATTORNEY-GENERAL seconding the Bill passed the final stage.

#### THE MUNICIPAL RATE ORDINANCE.

The Hon. the ATTORNEY-GENERAL brought up the report of the Law Officers on the "Ordinance to remove doubts as to the purposes towards which the rates on real property may be applied by the Municipal Council of Colombo," and, when it had been read, he moved the third reading of the Bill.

The Hon. the COLONIAL SECRETARY seconded, and the Bill passed its third reading.



## THE CHURCH ORDINANCE.

The Hon. the ATTORNEY-GENERAL brought up the report of the Law Officers on the "Ordinance to amend Ordinance 6 of 1885," and this Bill also passed the third reading.

## SUPPLY.

The "Ordinance making provision for the Supplementary Contingent Charges for the year 1892" next came up, and Council went into Committee on the measure.

The Hon. the COLONIAL SECRETARY:—At the last meeting of this Council the schedule had passed through Committee, and we adjourned at a stage when there was some doubt as to the precisely correct amount in respect to which our amendments necessitated the alteration of the total. Before, however, proceeding with the Bill, I would ask the permission of the Council to go back to an item, the addition of which is necessitated by the circumstance that the papers have only come forward since the Council last met in Committee. It is more a matter of account than anything else, but it is necessary to have it put in the Supplementary Supplies for the current year in order that the account may be written off against this year, and the claim discharged. It is a sum of R7,806 69, being an amount short debited owing to differences in converting sterling expenditure into rupees. It is the expenditure in connection with the Colombo defences. This provision does not in any way exceed the £24,000 which was originally voted by this Council; but it does increase the equivalent of rupees representing that sum. It is necessitated, in other words, by exchange. In asking for the vote the differences in exchange were not correctly foreseen, and in this case, as well as in all other cases, exchange is a factor for consideration.

The item was allowed.

In regard to item 15 in schedule A—Legal Department,

The Hon. A. DE A. SENEVIRATNE asked how it was that "Personal emoluments of Commissioners of Requests and Police Magistrates" came up to such a large figure as R10,205. He had forgotten if there was any explanation of this in Sub-Committee.

The Hon. the COLONIAL SECRETARY:—I understand the hon. member to ask for some explanation of a sum of R9,831 for Courts of Requests and Police Courts.

The Hon. A. DE A. SENEVIRATNE:—No, sir, I was referring to Schedule A on page 3 where the very large item of R10,205 97 is put opposite "Commissioners of Requests and Police Magistrates" as personal emoluments.

The Hon. the COLONIAL SECRETARY said that if the hon. member would turn to pages 15, 16 and 17 he would see how this was made up. The items were in the supplementary estimates which had been before the members for about six weeks. He should perhaps explain that at the Sub-Committee meeting on the Supplementary Charges Ordinance only one unofficial member was present, and he could only conclude from the expressions of hon. members that they had not read the supplementary estimates which had been sent them, much less attended the Committee to which those estimates were sent. If the hon. member would turn to pages 15, 16 and 17 he would see how the items were made up. They were a matter of account. For instance, take the first item the increased salary of the Police Magistrate of Colombo R2,400; that item was a considerable one, and that was on account of the change which was made in the Civil Service. The Police Magistrates

of Colombo were advanced to an appointment of the second-class and there was a corresponding reduction of another appointment to the third class, this being rendered necessary to provide this sum. He explained this in Sub-Committee. It was necessary to revote this because it was not voted to the Police Magistrate of Colombo, and unless this was done the Auditor-General would surely surcharge the item and disallow it. As it was, though, it was simply the repetition of an item which had lapsed in another way. In regard to the amount of R780 23 for the Acting Police Magistrate of Gampola, he thought that must have been due to their having had as an acting officer there a gentleman who was not in the Civil Service, and who could not be expected to leave his work and do this gratuitously while other cases were similar.

The Hon. A. DE A. SENEVIRATNE did not fully follow this explanation (which was most imperfectly heard), and put a further question, which, however, was satisfactorily explained, and Council then resumed, and the Bill was referred to the Law Officers of the Crown for report.

The Supply Bill for 1893 was next dealt with in Committee

The Hon. T. B. PANABOKKE:—Before proceeding with that, I beg to draw attention to an item that has already been read on page 12, namely the vote of R1,200 for building a village tribunal at Mawanella. These buildings have been put up hitherto at the expense of the village tribunals—that is either by contribution of labour or by the fines levied—and I think it is a new item of expenditure, and I should like to have an explanation of the circumstances under which this vote has been asked for.

The Hon. the COLONIAL SECRETARY said the circumstances came to his notice nine or ten months ago, when he had to look into the matter both in regard to this tribunal and another one immediately adjoining it. He was aware, having scrutinized the accounts for some years past, that the fund derivable from the fines at this place was not sufficient to pay the officer in charge and to renew the building. The hon. member was quite correct in saying it was the intention of the Government to make these courts self-supporting, and they had been so to a great extent; but the hon. member would have observed in the estimates for the last few years a provision to meet deficiencies in these accounts. He merely mentioned this, in order to illustrate that the village tribunals fund had not been sufficient for the full upkeep of them. There was a matter in connection with these courts that he thought the Council would thoroughly agree with, and that was that they should be very cautious in desiring these courts to be self-supporting, so that they should not induce them press too heavily on the people by imposing large fines or to be unnecessarily active in promoting prosecutions. Both he and His Excellency had examined the accounts of these two tribunals and were fully satisfied that they were not in a condition to pay their own way.

The subject then dropped.

## AMALGAMATING THE MEDICAL BRANCHES.

Introducing the Supply Bill for further debate, the Hon. the COLONIAL SECRETARY said the only items left for consideration were the two votes for the Medical Department, the debate on which was postponed, first at his request in order that he might get some figures on which to propose an amendment and again at the last meeting in order to afford members an opportunity of reading the correspondence that had led the Council to make the proposal. Hon. members having now perused the correspondence would have ob-



served that there was no intention to deal with the Colonial and Assistant Colonial Surgeons at present. The proposal was to raise the number of Deputy Assistant Surgeons from 4 to 24, commencing with a minimum salary of R1,500 a year. The Deputy Assistant Surgeons would all be officers with British qualifications or with a degree of an Indian University. The present District Medical Officers would be made Deputy Assistant Colonial Surgeons and as far as regarded them the change would be only in name; but the change was one that would facilitate the interchange between the two branches which was desired. The Sub-Assistant Colonial Surgeons would be increased from the present number of 28 to the number of 44. They would commence with a salary of R900, a year rising to 1,600 by triennial increment of R100 a year. The principal necessity for his coming to the Council and asking for an additional provision was to vote the necessary increase for making officers who were now Sub-Assistant Colonial Surgeons, Deputy Assistant Colonial Surgeons at the proposed higher rate. Another respect in which the position of the junior members of the Medical Service would be benefited was that they would now be transferred from the non-pension branch to the pension branch, and with one exception the District Medical Officers had assented to the change. In regard to that exception, no change had been made, and the officer would continue under his present title and draw his present salary. He felt sure that as time went on there would be no difference between the two branches. The question had arisen whether seniority should be reckoned from the date of the qualification or the date that the officer became a Deputy Assistant Colonial Surgeon. There was a great deal to be said on both sides; but the Government had decided that the weight of argument was in favour of the—perhaps unfortunate—young man who for some reason or other had been obliged to postpone for some time his visit to the mother country in order to get the necessary qualification. There were one or two instances that he knew of which would illustrate very strongly the unfairness of regulating seniority according to the date of the qualification; but it was hardly necessary that he should go into that then. He did not know whether this decision was of any very great importance, because when an officer came to be promoted to a higher branch other factors and considerations would have greater weight with the Government and the Principal Civil Medical Officer than mere seniority. He trusted he had made the proposal clear to the Council; and with these observations he should move to give effect to these proposals that personal emoluments under the head of Medical Departments should be increased from R184,435 to R197,395, making the total R245,710, and there would be a consequent decrease of other charges due to the transfer of officers from the Estates Branch of R30,000 under hospitals and dispensaries. The total would then stand at R823,233, and the total under both heads would be R1,061,940. The total increase as shown in the amended details would be a sum of R6,978, which was the cost to the public of bringing about this change, and that was the amount he now asked the Council to allow.

The Hon. P. RAMANATHAN:—There is no doubt the fusion of the two branches would benefit very much 40 or 50 Ceylonese gentlemen who are employed in them, as also a very few Europeans in the service, and I ought therefore to be very thankful to the Government that such opportunities of usefulness are given to the class I refer

to. At the same time I wish to know, supposing there was to be any fusion and supposing that by some accident the tea enterprise vanished just as coffee vanished, what effect would it have upon the scheme? We could not knock off as easily under those circumstances a branch which we have made part and parcel of the Medical Department. That, of course, is an administrative question which the Government have to consider more than the unofficial members of this Council have to do. Then the next question that suggests itself to me is as regards the question of seniority in reference to these higher officers who are on the estate branch. I see, sir,—turning to the Blue Book,—there are Drs. Thornhill, Griffin and Craib who receive a sum of R5,500 a year and a personal allowance of R1,000, making for each a sum of R6,500. Am I to understand that these officers are content to be called Deputy Assistant Colonial Surgeons and to rank in the Department under that name? I cannot think it. On hearing from the Hon. the Colonial Secretary some information on this point I shall continue my remarks.

The Hon. the COLONIAL SECRETARY:—I thought I had prefaced my remarks by saying that this proposal did not refer in any way to the Colonial Surgeons or Assistant Colonial Surgeons, and the three officers named will continue in precisely the same position they are at present. Until some other arrangement is made in regard to them they are not touched by this.

The Hon. P. RAMANATHAN:—You won't say what they are called?

The Hon. the COLONIAL SECRETARY did not know what they were called at present; but he could give the assurance that there would not be any alteration in their position at present. They did form part of the proposal which once came before the Council—he could not say what was the exact shape in which it came before the Council—but this proposal had nothing to do with that suggestion.

The Hon. P. RAMANATHAN:—I do not quite realize the remarks made by the Hon. the Lt.-Governor, but it appears that there is not to be any complete fusion of the two departments. There is to be a fusion, I understand, of the Medical Department with the exception of these three officers and one dissident. Well, then, what is to be their status?

The Hon. the COLONIAL SECRETARY:—What does the hon. member mean by status?

The Hon. P. RAMANATHAN:—Supposing there is a vacancy in the department—a vacancy for a Colonial Surgeon. At present a number of Assistant Colonial Surgeons are looking forward to the chance of promotion. Now, from the explanation given by the Hon. the Lieut.-Governor I understand these three officers are out of it or if they are in it. Then I wish to know what is their position and how will it be regulated? It is a matter of great interest to the Assistant Colonial Surgeons themselves in this way:—these three officers were brought in as district medical officers in January 1886. They draw higher pay, and they were brought in Jan. 1886, but the Assistant Colonial Surgeons, who are looking forward for promotion as Colonial Surgeons, have some of them been in the department for about 25 years. On the one hand perhaps an Assistant Colonial Surgeon may not be receiving R6,500—the pay which these three district medical officers are receiving—but can count four times as much service as the District Medical Officers. The question now is how would promotion be regulated in the service?

The Hon. L. H. KELLY:—Is not my hon. friend mistaken in stating the pay is R6,500 a year?



The Hon. P. RAMANATHAN:—No: I read it in the Blue Book, in which salary in the one column is R5,500 and the additional moneys given in another column is R1,000, making a total of R6,500.

The Hon. the COLONIAL SECRETARY said that these officers got allowances which made their salary more than R5,000 and they got quinquennial increases. With regard to the question put by the hon. the Tamil member, it was difficult to define the precise status of the officers. If a vacancy occurred five years hence, he could not make a statement now that would bind the Government. Status and position would be governed by the amount of salary.

The Hon. P. RAMANATHAN:—What would be the rule that would be followed in regard to promotion if a colonial surgeoncy fell vacant?

The Hon. the COLONIAL SECRETARY:—That the rule would be that which was observed when any vacancy occurred, to find the best officer without doing injury to the interests of others. He added that he thought he knew what was in the hon. member's mind, but it was not to affect proposed the position of the three officers named. The difficulty was that two of these declined to accept the position of colonial surgeons.

The Hon. P. RAMANATHAN:—I would only refer the Government to the correspondence which took place between the Principal Civil Medical Officer and the district medical officers as regards the question of status. I believe he was asked by one of them what his rank would be in reference to the main branch, and he was told that he would not rank higher than an assistant colonial surgeon. There was also correspondence between the P. C. M. O. and an assistant colonial surgeon who was looking forward to promotion as a colonial surgeon and whose fear was that a district medical officer would be put over his head. The Government said that he need not have any such fear, and that the claims of District Medical Officers would not be more than the claims of an Assistant Colonial Surgeon so far as years of service were concerned and in so far as their pay was concerned. I would remind the Government of this correspondence which I believe took place in 1888, and when questions of this sort come up for adjudication it would be useful to turn to it.

The Hon. P. D. ANTHONISZ:—Sir, I was unable to follow the Lieut-Governor in his remarks with reference to the amalgamation of the services as I have not had an opportunity of reading the papers laid on the table when there was a discussion in Council last year about the relative position of the two branches of the Civil Medical Service, the Civil Medical Department and the Estates Medical Branch, I thought it advisable that they should be kept apart as at present, as one was a fixed establishment and the other was a provisional one. When it was rumoured that the three senior district medical officers of the planting districts were to be created colonial surgeons; I thought it an undesirable step. It is now proposed to unite the Civil Medical Department and the Estates Medical Branch. I have now sir, to state my reasons for not approving this measure. In the first place, the Civil Medical Department, being a fixed establishment of this colony, is paid from the revenues of the island like any other fixed establishment. The Estates Medical Branch has been created to serve an industry, the planting industry, and it depends entirely on the extension of this enterprise—when successful extend the service and when otherwise reduce it. The amalgamation of the two services would be an injustice to the officers of the Civil Medical Department. The senior Assistant Colonial

Surgeon would be placed under the District Medical Officers of the planting districts, simply on account of their drawing a better salary, without the length of service which the senior Assistant Colonial Surgeons have. Some of these officers have served more or a little less than 20 years, and this could not be said of the district medical officers. Besides this the senior Assistant Colonial Surgeons have entered the service on a small salary and have worked their way to become senior Medical Officers and afterwards as vacancies arise to become Colonial Surgeons. The District Medical Officers have been placed in their posts without this training; and consequently it would be very hard on the senior Assistant Colonial Surgeons to have these officers placed over their heads, and with increased emoluments in the Civil Medical Department. The amalgamation of the service would embarrass the Government in case of a crisis as what occurred during the coffee enterprise, and place a large number of officers unemployed to whom Government will be expected to provide. If there was no necessity for amalgamating the two services during the coffee enterprise, I could not see the necessity for it at the present time. The reason urged by the Hon. the Colonial Secretary for the amalgamation of the services is, as he stated in Council, "hon. members may remember that about twelve months ago there was a discussion in Council on the subject of the relative position of the two branches of the medical service—the Estates Medical Service and the Civil Branch—I think it is called. I then stated in course of the discussion that in past practice there had been really no mark of separation and that officers had passed from the one branch to the other. Seemingly it is the case, but virtually it is not so. In the lower appointments as Sub-Assistant Surgeons and Deputy Colonial Assistant Surgeons, officers of these ranks have passed from one service to the other; but there is no instance to show that a senior Colonial Assistant Surgeon has become a District Medical Officer, nor is there an instance of a District Medical Officer being made a Colonial Surgeon. The officers of the lower grade who passed from the fixed to the provisional establishment (Estates Medical Branch) they did this to secure more pay owing to the very small salaries they draw; but no sooner vacancies occurred in the fixed establishment, where the salary was equal to what they were drawing in the contingent service, they soon returned to the fixed establishment. In short, these officers passed from the Medical Department to the Estates Branch out of necessity to get a few rupees extra and return to the Civil Medical Department out of choice as opportunities offered. To the best of my recollection when the coffee enterprise was beginning to flourish, medical-men were employed by owners and agents of estates to visit the coolies and render aid to them and to those on the plantations. This practice continued for some time; and the medical officers so employed wrote pamphlets giving directions for the treatment and the care of Tamil coolies and others on estates, &c. After some time this was discontinued, and the Estates Medical Branch created with a Government officer appointed to visit the coolie hospitals, &c., and supervise the work of the District Medical Officers. A tax of one rupee per acre was levied on coffee estates to pay this establishment, and when the coffee industry suffered this land tax became a curse to the unfortunate planter. When the coffee leaf-disease appeared, it was the opinion of the late Super-



intendent of the Botanical Gardens, Mr. Thwaites, that the coffee must die out in time. As the yield of coffee got less there was less work for coolies, and the consequence was that there were more departures of coolies than arrivals, and also little or no work for some of the medical officers of the Estates Medical Branch, who also left. The three of the District Medical Officers (Estates Medical Branch) at present are the remaining ones, who, if the amalgamation takes place will be placed over the heads of the senior Colonial Assistant Surgeons of 20 years' service in the Civil Medical Department. The injustice of such a measure no reasonable person could deny. Coffee cultivation was considered a profitable and lasting industry, as the coffee plant grew luxuriantly at the time of the Kandyan Kings, the Portuguese occupation, the Dutch administration and the British rule; and now is almost stamped out, and no one could say when it will revive. When the industry was in a flourishing condition the exports in 15 years, from 1866 to 1880, were valued at £46,152,000, and the imports including specie were £21,237,000, nearly 25 millions in excess of imports. What is the export of coffee now? This, sir, should be taken as a warning, while we hope for the best in the future, we ought not to be unmindful of the past. Therefore before uniting a fixed department with a provisional establishment or service, which may be expanded or reduced, and which may hereafter embarrass the Government it is a matter worthy of Your Excellency's careful consideration. The Hon. the Colonial Secretary has stated that "in order to put them (the Medical Officers) in the same position there will be necessitated a small additional expenditure of about R6,000." The expenditure certainly looks small to amalgamate two services, one a fixed establishment and the other a provisional one. But it must be remembered that if by a small expenditure a good could be effected, it is proper so to do; but if by doing this a greater evil than the good which it is intended to do were to arise in the future and embarrass the Government, will it be proper to do so? I should say no. In that case I would say leave well alone. I shall now relate what has come to my knowledge, but I could not say whether I have been rightly informed or not, how Government has been put into considerable inconvenience by saving a few rupees. An annual vote used to be taken for R25 or R30 or thereabouts for new bags to hold silver and copper in the General Treasury. This was considered unnecessary and it was proposed to send the money to a bank and get interest for it, and also, to save expense to stop the circulation of Government notes and to use the bank notes instead. When this proposal was made, it must be said to the honor of the late Hon. Mr. Gibson, who was Colonial Secretary at the time, that he strongly protested against it. He said, what security had Government in a private bank which was a speculating establishment? Like every speculation it would have its rise and its fall and the bank may any day fail. Mr. Gibson's advice was set aside and the money was transferred to the Oriental Bank Corporation. Mr. Gibson lived to see the bank fail, confirming what he said: it not only failed once but twice. When it first failed, but for the masterly activity shown at that crisis by Sir Arthur Gordon, our late Governor, in coming down from the hills to Colombo at once and meeting the difficulty, the distress to the people would have been great, and the money market in the island would have suffered. With reference to the wishes of the hon. the

planting member I may state that one objection to the amalgamation of the services would be removed if the senior District Medical Officers would enter the fixed department on the same pay and rank as the Colonial Assistant Surgeons of the same period of services as themselves—nine years and six years. In that case an assistant Colonial Surgeon of ten years' service draws a salary per annum of R3,500; whereas the senior District Medical Officers are paid at the rate of R5,500 per year. In the amalgamation scheme, if officers are ranked according to their salaries, the District Medical Officers will be placed over the heads of senior Assistant Colonial Surgeons who have served from 22 to 26 years—would this not be an injustice? As a proof of what I say here is an instance. An officer who entered the service in 1883—9 years' service—is placed over an officer who entered the service in 1866—26 years' service. The one of nine years' service receives R5,000 per annum and the other of 26 years' service R4,500 a year. How this has been manipulated it is difficult to say. I was told, but I could not say whether I am rightly informed or not, that when an application was made by a District Medical Officer to be placed in the fixed establishment he was told he would have to take rank after the last Colonial Assistant Surgeon. The number and date of the letter with reference to this, it is said, have appeared in a public paper, Letter No. 544 of 23rd July 1888. Another matter which I should like to bring to the notice of the planting member is that the Civil Medical Department has stood the test of time like all other fixed departments in the service—no changes in the revenue has affected it—but what about the Estates Medical Branch which depended on an industry? Only three of their officers are remaining. There is not the least objection to increase the salaries of the District Medical Officers, or to call them by any name Government choose to do, so long as the industry for which they are employed is in a flourishing condition. But one could not help observing the discrepancy of pay between the three senior District Medical Officers, who draw R5,500 each and the other District Medical Officers who draw from R2,500 to R1,500. This is a matter for consideration, as some of them hold good qualifications. It has been said that as there is one head for the Civil Medical Department there should be only one branch and not as at present an Estates Medical Branch and the Civil Medical Department. I could not agree to this. If the head of a department acquaints himself with all the small matters of a service, or if he has officers who understand these matters and would leave them to these officers without undue interference, there is no difficulty as was shown by the hon. member at this Council who supervised three departments,—two besides his own—the Railway and the Forest, and during the time he had charge of these departments there was not a murmur and the public was well satisfied. Without amalgamating the services the R6,000 may well be spent on both branches of the service, and I quite agree with the planting member that the District Medical Officers in the Estates Medical Branch should be better paid. In the provinces, in their chief towns as Kurunegala, Badulla, Uva, Anuradhapura, Batticaloa and Ratnapura, the Senior Medical Officers should have a small increase of salary and the Badulla officer should be the head officer of the planting districts. The R6,000 may be divided and one half spent on the Estates Medical Branch and the other on the Civil Medical Department. Having now stated my reasons against the union of the Civil Medical Department and Estates



Medical Branch, all I wish is that by any arrangement made at present the Government in the future may not be put into great inconvenience or be embarrassed; and also, as I have had the honor of serving in the Civil Medical Department for many long years, that the department would be a credit to the country, give satisfaction to the Government and do all the good it could possibly do to all classes of people in the island.

The Hon. L. H. KELLY:—Sir, I am very pleased that this discussion has come up today, although I regret that I have not had an opportunity of seeing the papers that were asked for by my hon. friend the Tamil member. They have not been shown to me, and therefore, I am to a certain extent at a disadvantage in making the remarks that I now wish to make; but, sir, as I urged in this Council a year ago, I do trust that the Council will carry out its intention to amalgamate the two branches of the service instead of allowing them to run on concurrently as they do now. I on a former occasion expressed my opinion with regard to the salaries paid to the medical branch of the department, and my hon. friend the Colonial Secretary took the wind out of my sails then by informing me that the Ordinance I was quoting had been repealed, and I had not the opportunity of bringing the matter forward again. I would like to point out to the gentlemen who had made these remarks to the effect that an amalgamation of these two branches would be to the detriment of the Civil Medical Department, that the Estates Department have never had what they might have had, had the Government given them what it might have given them under the Ordinance. With regard to the appointment of medical men to districts, Ordinance No. 17 of 1880 clearly points out that "The Governor, with the advice of the Executive Council, shall appoint a salary for each district medical officer, not exceeding in any case 4,000 rupees a year, with an increase of 500 rupees a year after five years' service, and a further increase of 500 rupees a year after ten years' service, and the past services of such of the present district medical officers who may be appointed shall count towards increment of salary. The Governor, with the like advice, may assign to each medical officer such an allowance as may be necessary to cover his travelling expenses." That Ordinance was amended in 1882, when that clause of the Ordinance was not touched. My hon. friends the Tamil member and the Burgher member have pointed out the injustice which would accrue to the members of the Civil Medical Department were the three present officers who held the highest appointments in the Estates Branch allowed to be moved into a position as Colonial Surgeons; but clause 6 of the Ordinance of 1882 says:—"It shall be lawful for the Governor to appoint superintending medical officers, not exceeding three in number and to assign to them salaries commencing at R5,000 per annum and rising by quinquennial increments of R500 until a maximum salary of R8,000 is reached," so that I do not see they have in any way obtained anything beyond what they had a right to expect. I must express here, sir, my regret at the expressions that have fallen both from the Tamil and the Burgher members in regard to the stability of the tea enterprise. I think it is a great pity these gentlemen should have taken this opportunity of, as it were, trying to disseminate abroad that the tea enterprise was not a stable and solid enterprise. I believe that the position of this country today as regards its stability is better than ever it has been. We were for years under the impression that this was a fruit-bearing country, and we shut our eyes to the fact that this

was really and truly a leaf-producing country; and it is not until after thousands had been spent in fostering an enterprise which for a certain time did a great deal of good that we turned our eyes towards the production of leaf in the shape of tea. My hon. friend the member representing the Tamils, as well as my hon. friend the Burgher representative have said that in the event of the present tea staple failing there would be no necessity for doctors. I would, sir, go further and say that there will be no necessity for lawyers, and even the duties of our Attorney-General and the duties of our future Solicitor-General I think would be unnecessary; but I hope that the years which they have expressed may never be realized, and I hope my hon. friend may live long to wear the mantle of the Solicitor-General. I would point out, sir, with regard to the duties of these estate medical officers—that their duties are really very onerous. I take, sir districts I am intimately acquainted with—Dimbula with its 45,266 acres of cultivated land, and with a coolly population of 80,000 to 90,000 and I take the District of Dikoya with its 28,689 acres of cultivated land and a coolly population of 50,000 to 60,000. There these men have to travel about all over each district, and what does the medical men get? The man who has to serve Dimbula, with its 80,000 odd population its 45,266 acres gets R2,000 a year; and the man who has charge of Dikoya with its 28,689 acres and a population of from 50,000 to 60,000 labourers gets R1,750. Both these men are men who have taken degrees and qualified. My hon. friend the Hon. the Colonial Secretary urged when I brought this matter up on the last occasion that these gentlemen augmented their salaries by private practice. I admit it but my hon. friend the Burgher member asked whether the planting member would give some reason for the origin of the estates branch of the Medical Department. This was one of the very greatest objections that Government had to the old planting scheme worked by the planters. They said: "You have your European doctors there who devote the greater part of their time and energy to private practice, but we want men to look after the coolies thoroughly. The planters accepted the position and agreed to an export duty on their produce and the moment they found their produce was diminishing in the shape of coffee unfortunately dying out they did the best thing they could to supplement it by growing another kind of produce and so acting in honor to the Government that they made this agreement with I shall not detain you, sir, any further. I would only trust that the Government will stand steadfast to their purpose and amalgamate the two branches of the service and allow the whole service to move up with opportunities of promotion right through.

DR. ANTHONISZ said with reference to what had fallen from the last speaker, that no one had a higher regard for the planters and their energy and pluck than he had, and no one wished them better than he did, but they had the fact before them that one industry had failed, and it was not improbable that the other too might. If the officers of the estates branch were badly paid let them be better paid by all means, but let the two services be kept apart.

The Hon. L. H. KELLY asked if the hon. member was in order, and it was replied that the House was in Committee.

The Hon. the COLONIAL SECRETARY said he did not know that he need follow the hon. members' remarks. The remarks that they had made and the statement of the hon. the planting member showed that they had not read the papers, and he thought



it was hardly courteous to the Council. The consideration of this measure was specially adjourned at the last meeting in order to allow members to have the papers. They were placed on the table where they were perfectly accessible, and now hon. members came and said that they had not read them.

The Hon. L. H. KELLY :—Perhaps you will allow me to explain that what I said was not that I had not read the papers, but that I had not seen them. Had I had an opportunity of seeing them I should have only too gladly read them. I went upcountry and I was not aware they were on the table. The first I heard was that my hon. friend the Tamil representative had received them and passed them on to my hon. friend the representative of the Kandyans; but this is the first I heard of the papers. I go upcountry after Council. I am not informed when papers are laid on the table. No one asks for an adjournment of the debate now.

The Hon. the COLONIAL SECRETARY said that while he was most willing at any time to give any information and assistance to members he must distinctly make it understood that it was not his duty to follow hon. members all over the country and see that they got the papers. If the hon. member wished for the papers he should have written to the clerk. He did not know if the hon. the planting member was present on the previous occasions when the papers were tabled—he had been frequently absent—and his not being sufficiently acquainted with what had taken place might be responsible for his not getting the papers.

The Hon. L. H. KELLY :—I was present on the last occasion when this matter came up; and if my memory serves me rightly papers were asked to be laid before members of this Council in order that they might have an opportunity of considering them. If I remember rightly my hon. friend promised to do so. I should not have made these remarks had not my hon. friend the Colonial Secretary said that it was want of courtesy on the part of those who had not seen the papers. It was simply as I for one was accused of want of courtesy that I made the remark. I beg to say I did not see the papers. I quite agree that my hon. friend would not follow me about the country—in fact I hope he won't. At the same time I do not think it would be very difficult to send a copy of the paper to members. Because I cannot wait in Colombo until it pleases Government to place these papers on the table I do not see them.

The Hon. the COLONIAL SECRETARY said that the measure had been prepared under the impression that it would improve the position of some medical men. The Government had no strong feeling on the point, and if there was any objection to it there was no desire to go on with it. All the benefits under it were on behalf of the branch which he understood the hon. the planting member to take an interest in.

H. E. the GOVERNOR then put the question that the items be increased as proposed.

Mr. RAMANATHAN said that they did not want to divide the Council on the point, but

DR. ANTHONISZ, in reply to a question from H. E., was heard to say that he did not object to the votes themselves, but to the manner in which it was intended to apply them, and so would divide Council on them.

A division ended as follows :—

Ayes.	
The Hon. Mr. Abdul Rahman	The Hon. the Principal Collector of Cus.
" " " L. H. Kelly	" " " Sur.-General.
" " " T. B. Panabokke	" " " Govt. Agent,
" " " J. J. Gnanalingam	" " " W. P.

The Hon. Mr. A. de A. Seneviratne	The Hon. Mr. Treasurer,
" " " W. W. Mitchell	" " " Attony.-Genl.
" " " P. Ramanathan	" " " Colonial Secy.
	" " " Mj.-Genl. (14).

No.

The Hon. Dr. Anthonisz (1).

THE SUPPLY BILL.

The Hon. the COLONIAL SECRETARY made one or two minor amendments in the Supply Bill in respect of bridges, and then the Council came out of Committee and the Bill as amended was approved and sent to the Law Officers of the Crown for report.

THE SUMMARY PROCEDURE BILL.

The Hon. the ATTORNEY-GENERAL brought up the following report of the Committee on the Summary Procedure Bill :—“The Sub-Committee appointed to consider and report on the Bill intituled ‘An Ordinance to empower Police Magistrates to try certain offences in a summary way,’ have the honour to recommend that the amendments noted in the margin of the copy of the Bill appended to this report be adopted. C. P. Layard, G. S. Williams, A. R. Dawson, P. Ramanathan, A. Seneviratne, T. B. Panabokke. Legislative Council Chamber, Colombo, December 3rd, 1892.” Council having gone into Committee the Clerk proceeded to read the bill and he had reached clause 3 when

The Hon. A. DE A. SENEVIRATNE said :—Before you come to clause III. will the Attorney-General permit me to ask him whether my impression is a correct one when I say that before the trial of cases under this Ordinance, the procedure will be the same as at present. Under our present law there is a provision that the Police Magistrate, before the issue of a summons or of a warrant for the bringing up of a person charged, shall examine the complainant. It is a very wholesome provision. Very frequently Police Magistrates are able after such examination to refuse a summons or a warrant and so put an end to false charges and false litigation. I should like to know that that provision will still be enforced even when a Police Magistrate is acting under this Ordinance.

The Hon. the ATTORNEY-GENERAL said the question was one that was very easily answered. The Criminal Procedure Code made provision for inquiry in all cases; it then provided for cases tried summarily and then for cases not triable summarily. These particular parts were left as they stood and the necessity for examining the complainant in such cases remained. He agreed with his hon. friend that it was desirable it should be left intact, and it was not the wish of the Government that it should be altered. (Applause.)

In regard to Clause 5 which provides that a Magistrate may convict an accused of any charge triable under the Ordinance which he appears to have committed, whatever may be the nature of the complaint or information

The Hon. A. DE A. SENEVIRATNE, said he had already expressed his opinion to his hon. friend the Attorney-General that he did not think it would be necessary to repeat the last sentence because provision had already been made for the omission of the change in these proceedings, but—he saw it had been inserted. At the same time he thought it would be necessary to draw attention to the use of certain words in this new clause to which objection had been apparently taken in a judgment of the Supreme Court, and he thought his hon. and learned friend should state why they were allowed to stand in the clause seeing that they had already been commented



upon adversely by the Chief Justice. He referred to a recent judgment in the Supreme Court in which the question of the charge being necessary cropped up. "I repeat, I think it would have been disastrous to have left Magistrates free to convict people upon any charge and upon any evidence that they only appeared to have committed the offence." It was the word "appear" that seemed to be objectionable. He had been satisfied in committee that it was rightly used, and he wished it to be made public that others might be satisfied too.

The Hon. the ATTORNEY-GENERAL said the words appeared in the Indian Procedure Code, and not only so, but in the Procedure Code drafted and submitted to the Council by the present Chief Justice.

The Hon. A. DE A. SENEVIRATNE on the last clause being read said he hoped that it would be made clear that in regard to the Courts of Colombo, Kandy and Galle,—where it was only proposed to institute the new procedure, the Courts were only empowered to act under this Ordinance, not that the Ordinance should be enforced in those particular Courts, because it was not always, as in the higher Courts that very superior officers were appointed. Very frequently temporary appointments were made, and therefore be thought it proper that the discretion should be left to His Excellency and the Executive Council to appoint the Magistrate and also the Courts. The hon. member concluded: I ought to take this opportunity of thanking Your Excellency for allowing this to be amended to suit our wishes. I am deeply thankful because he felt that what was wanting in the bill had been supplied,—that was the record. We only wanted the substance of the evidence to be given, and as regarded appeal that there should be no restriction, and whatsoever they wished to be supplied would be supplied, and I think that after a trial over a short period (my hon. and learned friend mentioned a year) it might be extended to other courts, and if it was found satisfactory it might be largely extended with regard to the trial of other offences too.

The Hon. P. RAMANATHAN :—For the information of those who are watching the progress of this bill outside the Council, I feel bound to state that the amendments accepted by the Hon. the Attorney-General have deprived the bill of much of the want of safety which we complained of. Your Excellency will remember that we complained that the evidence was not recorded and that the right of appeal was practically taken away and that there was no simplification of procedure. I am happy to say that Your Excellency has allowed us relief on all these points. The appeal is left quite intact and the evidence is also to be recorded and the procedure has been very much simplified. I therefore, sir, have nothing but thanks to offer you for safeguarding the liberties of the people in the manner we contended for.

The Hon. L. H. KELLY :—As one of the un-officials who opposed the bill I am very glad Government has given us the record, and I most certainly can now support the bill.

Council then resumed, following which the bill was sent to the Law Officers of the Crown for report.

#### THE BRANCH ROADS ORDINANCE.

The Hon. the ATTORNEY-GENERAL then brought up for its second reading the "Ordinance to amend the Branch Roads Ordinance, 1874."

The Hon. L. H. KELLY :—Sir,—With regard to this proposed amendment I would only ask that

the word "district" should be a little better defined. I would point out that in the old ordinance, clause No. 71 where the Provincial Road Committee have power to define limits and also to vary and alter limits if occasion arises, refers to the opening of new estates or to the addition of new land; but in this amended ordinance three or four different estates might require a road—take a large district with three or four valleys in it. I do not say that the old ordinance does not cover the point, but I only want to draw the attention of the Attorney-General to this matter in order that in amending this ordinance it may be taken notice of. It does not mean a whole district, but a portion or a part of a district.

The Hon. the ATTORNEY-GENERAL :—I may say that the original ordinance provided that a district need not imply a district such as a planting district—such as Bogawantalawa or Dikoya. It provided that districts should be formed by application being made to the Governor to define it in Executive Council, consequently there is no necessity to further define a district in the amendment to the ordinance.

The second reading was then approved and the bill will come up for third reading next sitting.

#### ADJOURNMENT.

At 5-20 p.m. Council adjourned to Wednesday next at 3 p.m.

### WEDNESDAY, DECEMBER 14th, 1892.

*Present* :—H. E. the Governor in the chair, H. E. the Major-General, and the Hons. the Lieutenant-Governor, the Attorney-General, the Treasurer, the Government Agent, W. P., the Principal Collector of Customs, P. Ramanathan, W. W. Mitchell, A. de A. Seneviratne, Abdul Rahiman, J. J. Grinlinton, and T. B. Panabokke.

*Absentees* :—The Hons. the Government Agent, C. P., the Surveyor-General, the Auditor-General, and L. H. Kelly.

#### ASSENT TO ORDINANCES.

The Hon. the LIEUT.-GOVERNOR :—I have to announce that His Excellency the Governor has given his assent to the following ordinances, namely :—No. 22 of 1892, "An Ordinance to apply all surplus revenues of the past years to works of acknowledged public utility"; No. 23 of 1892, "An Ordinance to remove doubts as to past appropriation of rates by the Municipal Council of Colombo; and No. 24 of 1892, "An Ordinance to amend Ordinance 6 of 1885."

#### PAPERS TABLED.

The Hon. the LIEUT.-GOVERNOR :—I beg to lay on the table a return of papers under the Road Ordinance, made by each of the District Road Committees during the year 1891; and I beg leave also to lay on the table the three opinions for which the hon. member who represents the General European interests moved at the last meeting of the Council. These are in connection with Sessional Paper XXXIX. of 1892 on Flood Outlets, and these opinions will be printed in continuation of that report.

#### TOLLS ON THE GALLE ROAD.

The Hon. the LIEUT.-GOVERNOR :—I beg leave to move the resolution, notice of which stands in my name, for the establishment of a toll at the 47½ milestone at Welitara on the Colombo-Galle road. This (and the like resolution which follows



it) is merely an alteration in the position of a toll by about the distance of three miles. The toll at present stands on the Hikkaduwa bridge between the 50th and 51st milestone; and the object of the resolution is to take it off the bridge and move it four miles away. The removal of both these tolls is carried out at the instance of residents of the district, who memorialized Government on the matter, and they were induced to memorialize Government by the circumstance that the present toll lies between the railway station and the district from which railway traffic would come.

The Hon. the ATTORNEY-GENERAL seconded.

The Hon. Dr. P. D. ANTHONISZ:—Might I inquire if these tolls are new or merely moved from one place to another, and if the opinion of the Government Agent was received in regard to this?

The Hon. the LIEUT.-GOVERNOR:—I can assure the hon. member it is not a new toll. It is in place of the old toll on Hikkaduwa bridge which, as soon as this is passed by the Council, will be abolished.

The Hon. A. DE A. SENEVIRATNE:—Is there any objection to these resolutions being worded a little differently by saying that a toll be established at the 47½ milestone on the Colombo and Galle road in place of whatever the present toll is? That would give the information the hon. member asks for in the motion itself.

The Hon. the LIEUT.-GOVERNOR:—No, I have no objection; then, to give effect to that suggestion I will move that a toll be established at the 47½ milestone at Welitara on the Colombo-Galle road.

The motion was then put and carried.

The Hon. the LIEUT.-GOVERNOR next moved that a toll be established at the 57½ milestone at Kahawe, on the Colombo-Galle road, in view of the present toll at the Balapitimodara bridge, saying in doing so:—This is similar to the last motion and is made under precisely the same circumstances. The toll now on the Balapitimodara bridge will be carried three miles lower down.

The Hon. the GOVERNMENT AGENT, W. P., seconded the motion, which was carried.

#### THE CONTINGENT CHARGES FOR 1892.

The Hon. the LIEUT.-GOVERNOR:—I beg to bring up the report of the Law Officers of the Crown on the Ordinance for making provision for the Contingent Charges for the year 1892 and to move that it be read.

This having been done, the Hon. the LIEUT.-GOVERNOR said:—I now move that it be read a third time; and in moving this resolution I might be permitted to refer to the concluding remark made in the report of the Sub-Committee on this Ordinance, asking the consideration of Government to a reversion to the former practice of coming to the Council with messages for Supply provision in addition to what had been approved and granted and appropriated under the Supply Ordinance for the year. I think sir, that the case is one of two alternatives, and it seems to the Government that the more convenient one to Council is quite inconsistent with coming to the Council on every occasion. It seems quite inconsistent to do that and to have, as we have been endeavouring lately to have, a continuous session for the disposing of business and then adjourning for a long period. The other system almost necessitates the adjournment from week to week or certainly fortnight to fortnight. The necessity for voting these amounts is that they crop up and were unforeseen when we passed the Supply Bill. The total amount seems large, it is true;

but when the details are analysed and scrutinized it will be seen that the items were all unexpected, and it is the condition made by Government that the items should be unforeseen. I make this statement to assure the Council that the Government have not overlooked the recommendation made in the report of the Sub-Committee.

The Hon. the ATTORNEY-GENERAL having seconded the motion, the Bill passed the third reading.

#### THE SUPPLY BILL.

The Hon. the COLONIAL SECRETARY brought up the report of the Law Officers of the Crown on the Ordinance for making provision for the contingent services for the year 1893, and moved that the same be read.

The Hon. the ATTORNEY-GENERAL seconded.

The Hon. T. B. PANABOKKE:—Before the Ordinance is read a third time, sir, I wish to beg of Your Excellency and the Council to permit me to make a few remarks with regard to the Gazette notice appearing on the 9th of this month, altering some of the rules with regard to aided schools. The 12th rule against which a petition was submitted to this Council has been since altered; but there are one or two points to which I would draw the attention of Your Excellency and this Council. One of the important matters regarding it is that the words "of the same class," which occurred in the old rule, have been omitted altogether in the new rule. That will, I think, sir, curtail the sphere of grants-in-aid to schools. I think the old rule as it stood was better, and I don't see any reason why it should now be out.

The Hon. the LIEUT.-GOVERNOR:—I beg the hon. member's pardon. What was the alteration?

The Hon. T. B. PANABOKKE:—In the old rule the words "a school of the same class" occurred, but in the new rule those words have been omitted. Certain schools were built before this rule came into operation with the object of obtaining a grant under the quarter of a mile rule, and the number of those schools are very few (perhaps only about two or three), and the people who built them and who went to the expense of putting up such substantial buildings, I think, should have some consideration, and an exception, I think, should be made in their favour only, and any schools that hereafter are built may not receive the grant. These are the only two points that I wish to submit to Government.

The Hon. the LIEUT.-GOVERNOR in reply to the observations of the hon. member said that at the moment he did not remember the precise ground for the omission of the words to which the hon. member had referred, or the precise effect of the omission, but he had sent for the papers and hoped to be able to render a satisfactory explanation before the sitting concluded. He understood the hon. member to say a word on behalf of some schools with the object that they should be exempted from the quarter-mile rule, but he would point out that that rule had been in operation for the whole of the current year, and he did not think that these buildings had been in course of construction more than the current year. There had been a want of zeal and activity on the part of the promoters of these schools that hardly entitled them to special consideration, he thought. There was one point on which he wished to offer a remark in order not to mislead the Council. He was asked by the hon. member on the last occasion whether the rule referred to was an old rule, and he replied that it was: He had then in his mind the two-mile radius rule. That was the old rule, and the quarter-mile rule was not made till the current year.



The Hon. T. B. PANABOKKE said there was one other remark he would like to make, and that was that a school was not registered within a year of the notice given to the department; and he thought therefore that they had a very good reason for asking for further consideration from Government.

The Hon. the LIEUT.-GOVERNOR:—That is quite true; and I can only say that if there are points for consideration they will, when represented, receive consideration.

The ordinance was then read a third time and passed.

#### THE SUMMARY PROCEDURE ORDINANCE.

The Hon. the ATTORNEY-GENERAL moved that the report of the Law Officers of the Crown on an Ordinance to empower Police Magistrates to try certain offences in a more expeditious manner than is provided in the Criminal Procedure Code, 1883, be read.

The Clerk having done so,

The Hon. the ATTORNEY-GENERAL moved that the bill be read a third time and passed.

The Hon. the PRINCIPAL COLLECTOR OF CUSTOMS seconded, and the bill was read a third time and passed.

#### THE BRANCH ROADS ORDINANCE, 1874.

The Hon. the ATTORNEY-GENERAL brought up the report of the Law Officers of the Crown on an Ordinance to amend the Branch Roads Ordinance, 1874, and moved that it be read.

The Clerk accordingly did so, and

The Hon. the ATTORNEY-GENERAL next moved that the bill be read a third time and passed.

The Hon. the GOVERNMENT AGENT, W. P., seconded and the motion was carried.

#### ASSENT TO ORDINANCES.

H. E. the GOVERNOR:—I assent to "An Ordinance for making provision for the Supplementary Contingent Charges for the year 1892," No. 25; I assent to "An Ordinance for making provision for the Contingent Services for the year 1893," No. 26 I assent to "An Ordinance to empower Police Magistrates to try certain offences in a more expeditious manner than is provided in the Criminal Procedure Code, 1883," No. 27; and I assent to "An Ordinance to amend the Branch Roads Ordinance, 1874," No. 28.

#### FAREWELL TO THE TAMIL MEMBER.

The Hon. the LIEUT.-GOVERNOR:—The business set down on the Orders of the Day having now been disposed of, I propose under Your Excellency's instruction to move the lengthy adjournment which is customary at this season; but, sir, before formally moving such a resolution I would wish, with the permission of the Council and with the assured concurrence of individual members, to refer to the circumstance which the Tamil representative has himself alluded to at this table, that we shall no longer have the assistance of his advice and co-operation in this Council. Though not of the oldest service the hon. member has sat at this Council table since the middle of 1879 and for six years he has been the senior unofficial member. During these years, which in the history of a colony is certainly a long period, the hon. member has taken a prominent and important part in the discussions and resolutions of Council; and has, I may say, carefully and fully watched over the interests of that portion of the community which he specially represents and which constitutes one-fourth of the number of our population. (Applause.) Nor, sir, have his useful services been restricted to that community. In

matters affecting the profession to which he belongs as well as in questions involving a knowledge of the history of this Council, his assistance has been most valuable. In the Committee work, which, perhaps, does not receive so much public notice and is not so much a matter of public cognisance, but where the substantial work of the Legislature is really done, the hon. member has always been most helpful and most forbearing in the consideration of the views of members which might have opposed his own. In the personal and informal communications which I have been permitted to have with the hon. member and other members of this Council, I have always received from him in a marked degree as from other members of the Council an uniform courtesy and consideration which outweighed and extinguished any petty differences inevitable to a deliberative assembly; and I am sure I only express the feeling of this Council when I say that we see the severance of the hon. member's connection with this Council with regret. It is not a matter of surprise, sir, that the hon. member should seek to relinquish the position at this Council and to pursue his career in the higher walks of the attractive profession to which he belongs. It is precisely the course another hon. member of this Council followed some 16 years ago. For myself I trust that the help and co-operation I have received from the hon. member as his colleague in the Legislative Council, will be extended to me as a brother officer. I now move that Council adjourn *sine die*.

The Hon. W. W. MITCHELL:—On behalf of the unofficial members I ask to be allowed to say a few words on this occasion. It has been stated by the Lieut.-Governor that it is the last occasion on which the hon. member representing the Tamil community will appear in his seat here. He was appointed to a seat in this Council in the year 1879, and he has thus worked as an unofficial member for a period of 13 years. During the whole of that time it has been my privilege to work off and on with him in the work of the Council. The powers of unofficial members, as is well-known, are but limited, and the position of the leader of the unofficials is frequently one of some difficulty. He has indeed to occupy somewhat the position of the leader of a forlorn hope,—not that the function of the unofficials is to attack the Government—far from it—but I conceive the functions are to criticize and advise, and if need be to offer assistance where measures are brought forward which appear to be likely to work in a manner which would be contrary to their desires. A united unofficial phalanx has often produced, in my experience, results very beneficial indeed to the whole community in safeguarding the interests of the many where they seemed to be somewhat at stake; and when any such action has been taken my hon. and learned friend has invariably shewn tact and good sense and independence. He has always had the courage of his convictions and has not hesitated to give expression to his feelings in matters brought before the Council. He has at all times exhibited a keen interest in the welfare of the people, and by his untiring energy and ability has, in many instances and on many occasions, rendered able assistance to the Government. This was recognized about three years ago when Her Most Gracious Majesty the Queen conferred on him the Order of St. Michael and St. George. He has been now selected to fill the high office of Solicitor-General in this colony; and let us hope that his career will continue to be accompanied by the lustre which has spread over his past unofficial life. In the name of his unofficial colleagues it is



fitting I should on this occasion testify to our appreciation of his abilities and services whilst bidding him farewell.

The Hon. T. B. PANABOKKE :—Before concluding I wish also to submit a few remarks with reference to the matter before the Council, not with the object of adding anything more to what has fallen from His Honor the Lieut. Governor and the hon. member opposite, but merely to say what a great tower of strength he was to me, as there were many things that were common between the community he represents and the community that I have the honor to represent. Thus in matters of religion, I think, our interests are united, and in most of the manners and customs there are many things in common between the Tamils and the Kandyan community, and therefore whenever a question of this sort, which was interesting to the Kandyan community, was coming up and I had an opportunity of discussing it, my hon. friend was a tower of strength to me and to the enemy I should say a battery constructed of adamant; and I therefore say it is a positive loss for me—even looking at it in a personal view—to lose his valuable services from this Council. With these few remarks I would congratulate the hon. member upon the high position he has attained, and trust in the interests of the general community that Your Excellency's selection will fall upon a worthy individual to represent this large community.

The Hon. M. C. ABDUL RAHIMAN said that the Council was losing the services and advice of the senior unofficial member, and that the blow fell hardest on the unofficial side of the House. He maintained that whatever steps Mr. Ramanathan had taken for the good of the country had met with success. It was an admitted fact that every statesman had enemies, but he was glad to say that in this instance they were a very few. He then referred to the family of the Tamil representative, and said he was a bright example for his countrymen to follow. He added that he had known his hon. friend as a boy, and not only him, but all the members of the celebrated Coomara Swamy family. In conclusion, he said that Mr. Ramanathan had received the honour of O.M.G.-ship during the administration for Sir Arthur Gordon, and he hoped that he would yet have the letter K. prefixed to the other three. All the native communities were equally agreed in congratulating the hon. member, and he hoped that he would be blessed with long life and strength.

The Hon. P. RAMANATHAN :—I feel overwhelmed, and know not how to express my thanks for the very kind words which have fallen from the hon. speakers. Being too sensible of my own deficiencies, I cannot appropriate those remarks as my just deserts. I accept them only as indications of the generous spirit which pervades the hearts of my hon. friends, ever desirous of forgetting and forgiving the faults, and cherishing and proclaiming the virtues of others. Their thoughtful magnanimity gives me the chance of taking formal leave of my colleagues, and it is only natural that on such an occasion I should cast back my looks for a moment upon the time when circumstances were driving me on to the platform of public service as a member of this grand, august body, invested with the sovereign powers of legislation, taxation and administration. I confess my attention was first drawn to the greatness of such a position by the pomp and ceremony associated with the opening day of the year's sessions. Returning from abroad some four and twenty years ago, my youthful imagination was fired by the more than usual splendour which Sir Hercules Robinson took delight in imparting to the pro-

ceedings of that day. I did not get near enough to hear the distinguished Governor clearly, but by gentle nudging I gradually came abreast of the first line of hearers who were standing, only to find that his address was drawing to a close and the time had arrived for the breaking up of the assembly. That was my first experience of the Legislative Council. Similar to that experience is today's experience, for, having attained to the first rank among my unofficial colleagues as their leader,—the foremost position which one outside of the Government service can ever occupy,—I find myself ordered not to stay there but to move on to another scene of labor, even to the inner workshop of legislation and the confidential direction of those entrusted with the investigation and prosecution of crime. To me, this day, closing a great and eventful chapter in my life, is a day of judgment; and I am glad indeed, glad beyond measure, to have the assurance of my hon. colleagues, who have the best opportunities of judging that I have done well. What more satisfactory reward can man expect from man? I only hope that, at the end of the new career now opened to me, I shall be equally fortunate in obtaining the same verdict from those qualified to judge. I thank Your Excellency for sanctioning the proceedings of this day. I thank the Lieut.-Governor and my other hon. friends who have spoken for the appreciative words which they have been pleased to say on behalf of themselves and of the official and unofficial sides of this house; and I thank the other hon. members for listening with patience and kindly feeling to the remarks which have been made on this occasion. I thank them all as warmly as possible. H. E. the Lieut.-Governor has expressed a hope that I will, as Solicitor-General, give him all help and co-operation with as free a hand as, he says, I have done in Council. I beg to assure him of it. It will be my duty and privilege to do all in my power to serve the Government, and it cannot be justly said that the interests of the Government are not identical with those of the public. Both interests, when rightly considered, are one. I again repeat I have not words sufficiently expressive to convey to hon. members my sense of gratitude for their kindness and indulgence. (Applause.)

H. E. the GOVERNOR in putting the motion for adjournment said :—I wish to express my high appreciation of the services of the hon. member who is about to leave us and my regret at his approaching retirement from the place in this Council which he has so long, so ably and so usefully filled.

Council then adjourned *sine die*.

WEDNESDAY, SEPTEMBER 13th 1893.

Present :—H. E. the Lieut.-Governor presided and the others present were the Hons. J. A. Swettenham, Acting Colonial Secretary, C. P. Layard Attorney-General, E. Elliott, Acting Government Agent, W. P., R. Reid Acting Treasurer, W. W. Mitchell mercantile representative, Dr. Anthonisz, Burgher representative, A. de Seneviratna, Lowcountry Sinhalese representative, T. B. Panabokke Kandyan representative, Abdulrahiman, Mohammedan representative, P. Coomaraswamy, Tamil representative, D.G. Mantell, Acting Surveyor-General, also Mr. H. L. Crawford clerk of Council. The minutes were read and confirmed.

NEW MEMBERS.

The Hon. Messrs. Elliott, Mantell, and Coomaraswamy were sworn in on taking their seats.



## PAPERS.

The Hon. the Acting COLONIAL SECRETARY laid on the table the following papers:—Statement of the sums to be apportioned during the year 1893 from the Irrigation fund, to each province, for the construction, repair, and improvement of irrigation works; Interim report of the Committee appointed to report upon the phraseology, style, spelling and scope of the Sinhalese reading books now in use in Government Schools; quarterly returns of expenditure on the Kurunegala, Galle, Haputale and Bandarawela railways; for the quarters ended 31st December 1892 and 31st March 1893 as regards Kurunegala Railway, and for the quarters ended December 1892, 31st March and 30th June 1893 as regards Galle, Haputale and Bandarawela Railway. Sessional Papers No. 1 of 1893—further papers on Flood Outlets; No. 2 of 1893—Report of the Commissioners appointed to ascertain the true causes of the high rate of mortality among immigrant labourers employed on estates; No. 3 of 1893—statement and amount of Widows and Orphans Pension Fund for 1892; No. 4 of 1893—report on the Kalawewa Colonisation Scheme; No. 5 of 1893—Correspondence relating to the proposed amendment of the Municipal Councils Ordinance; No. 6 of 1893—third report of the Commissioners appointed to report on the means of improving Railway Communication with the Northern part of the island &c.; No. 7 of 1893—reports of the Central and Provincial Irrigation Boards for 1892; Administration Reports for 1892—Part 1—Revenue, Part 2—Scientific, Part 3—Judicial, Part 4—Miscellaneous.

## THE ABOLITION OF THE PADDY TAX AND RETRENCHMENT.

The Hon. W. W. MITCHELL:—Your Excellency, I beg to ask the following question:—

If, in view of the abolition of the Paddy Tax, and the consequent curtailment of duties of officers employed in the different Government Agencies, it is the intention of Government to curtail the number of Agencies, by amalgamation or otherwise, in order that, whilst having due regard to efficiency in administration, a substantial retrenchment in public expenditure may be effected?

The Hon. the Acting COLONIAL SECRETARY:—Sir, the Government is not aware that there has been, consequent on the abolition of the paddy tax, such a curtailment of duties as would permit, with advantage to the public a reduction in the number of Agencies and consequent retrenchment in public expenditure.

## OUR POLICE SYSTEM.

The Hon. W. W. MITCHELL next asked:—

Whether the arrangement introduced in August 1892, whereby the Police in each Province was formed into a separate division under the immediate control of the Government Agent, in terms of Ordinance No. 23 of 1891, has been attended with successful and satisfactory results; and if not, whether it is the intention of Government to continue the existing scheme under which the Regular and Provincial Police and headmen are worked?

The Hon. the Acting COLONIAL SECRETARY—Sir, the new system has not been sufficiently long in force and on trial for any decisive opinion yet to be formed upon its comparative merits.

## THE KEROSENE OIL DUTY.

The Hon. W. W. MITCHELL moved:—For a Return showing the quantity of Kerosine Oil imported since January 1, 1893; also the amount of Duty collected on the same.

He said—The increased duty it will be remembered was imposed from 1st January last and little or no kerosine oil I believe has been imported since. The effect of the imposition has therefore been to completely shut off supplies. The stock I am told was 114,000 cases on 31st Aug. last. The consumption of oil is about 150,000 cases per annum. When any new oil is imported of course it will have to pay the new duty, and consequently the price will undoubtedly go up. Hitherto the price has not been advanced very much because, and naturally because, the old oil paid the old duty. I hope the Government will reconsider the position and modify the increased duty which in my opinion should never have been raised.

The Hon. Mr. ABDUL RAHIMAN seconded.

The Hon. the Acting COLONIAL SECRETARY:—Sir I lay on the table the return which the hon. member has moved for. It is a nil return. I did not come today prepared to discuss the question of any possible reduction in the duty, for Government had no notice that such a matter would be brought forward today.

H. E. the LIEUT.-GOVERNOR (addressing Mr. Mitchell). I presume that as the return has been laid on the table it is unnecessary that I should put the question.

The Hon. Mr. MITCHELL concurred.

H. E. the LIEUT.-GOVERNOR:—The nil return is not altogether conclusive in support of what the hon. member has stated, because I believe that kerosine oil is generally imported in one lot, in one or two ships, for the year. I believe if we got a return—and this would be a practical test of my remark—for the corresponding months of previous years we would equally find it blank. The oil does not arrive all through the year.

The Hon. Mr. MITCHELL—Might I ask a return to be made for the last five years?

H. E. the LIEUT.-GOVERNOR—I have stated what is my impression. Perhaps the Principal Collector of Customs will be able to say.

The Hon. the Acting COLONIAL SECRETARY—I shall be glad to lay on the table a return for the last five years.

The Hon. Mr. REID:—I believe, sir, I have already supplied that return. His Excellency is I think correct in what he stated. It was only at the end of 1892 that any imports were brought.

## THE CLOSE OF THE SESSION.

H. E. The LIEUT.-GOVERNOR:—The business of the Council having been disposed of it only remains for me to close the Session. It may be convenient for hon. members, especially those living in the country, to know that it was the intention of His Excellency the Governor before he left England to open the new session of Council on Wednesday the 11th of next month. At the same time the Governor may on his arrival find that that date is too early, but I think that his intention will probably be carried out. The session is now closed.

Council rose at 3-20.