THE

"CEYLON HANSARD."

THE DEBATES

OF THE

CEYLON LEGISLATIVE COUNCIL

During the Session of 1893-94,

Which began on the 18th of October 1893, and closed on the 29th of August 1894.

REVISED AND CORRECTED BY THE SPEAKERS.

[TWENTY-FIFTH YEAR OF PUBLICATION.]

Colombo:

A. M. & J. FERGUSON,

1894.

MEMBERS OF THE LEGISLATIVE COUNCIL

DURING THE SESSION 1893-9.

PRESIDENT:

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

OFFICIAL MEMBERS:

H.E. THE HON. SIR E. NOEL WALKER, K.C.M.G., Lieut.-Governor and Colonial Secretary.
H.E. THE HON. W. CLIVE JUSTICE, C.M.G., Major-General, Commanding the Forces.
THE HON. J. A. SWETTENHAM, C.M.G., Auditor-General.
" " C. P. LAYARD, Attorney-General. [HON. P. RAMANATHAN, Acting.]
" " F. R. SAUNDERS, C.M.G., Treasurer.
" " E. ELLIOTT. Acting Government Agent, Western Province.
" " P. A. TEMPLER, Government Agent, Central Province. [HON. ALLANSON BAILEY, Acting.]
" " D. G. MANTELL, Surveyor-General. [Afterwards succeeded by Hon. R. K. MACBRIDE, C.M.G., Director of Public Works, who in turn was succeeded by HON. W. G. KYNSEY, C.M.G., Principal Civil Medical Officer.]
" " R. REID, Principal Collector of Customs.

UNOFFICIAL MEMBERS:

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

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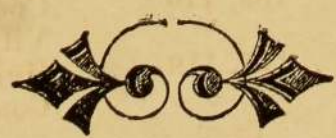

APPENDIX.

ADDRESS

OF

HIS EXCELLENCY SIR ARTHUR ELIBANK HAVELOCK, K.C.M.G., ON OPENING THE SESSION OF THE LEGISLATIVE COUNCIL ON WEDNESDAY, OCTOBER 18, 1893.

HONOURABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL,

IT is with satisfaction that I meet you again, and seek your advice and co-operation.

I feel assured of your sympathy with me in the deep regret I feel at the death of Colonel Clarke. This Council has lost in him a distinguished Member, and the Government a talented and experienced officer.

I am happily able now, as on the three previous occasions on which I have opened the annual Session of the Legislature, to congratulate you on continued prosperity and progress.

There has, during the last year, been an absence of any serious epidemic, and the public health has been, generally speaking, good.

The efforts made by the Government to abate the prevalence of serious crime among the people of Ceylon, firstly by improving the organisation of the Police, secondly by adopting measures for strengthening and facilitating the administration of justice, and thirdly by making more deterrent than before the punishment of imprisonment, have been steadily persevered in. The returns show that the number of convictions during 1892 before the Superior Courts—that is, convictions for serious offences—and the total number of convicted persons committed to prison during 1892 from all Courts, are below the average corresponding numbers of the previous four years. The daily average of all prisoners, convicted and unconvicted, in the gaols of the Island during 1892 was largely below the daily average of the three previous years. It is probably yet too soon to speak with confidence of the results of the efforts made to reduce crime, but the facts I have stated give reason to hope that some improvement has been effected, and it is fair to assume that to the measures adopted some share of the improvement shown may be ascribed.

I am able to record a continuance of the liberal policy which it has been found possible to adopt within the last few years in the administration of the Postal and Telegraphic services. Further improvements and facilities have been introduced during the past year, the initial weight of an ordinary letter having been raised from half an ounce to an ounce, further reductions having been made in the inland postal tariff and registration fee, and additional post offices having been opened. The system of inland telegraphic communication has been extended, and it is hoped that before long it may be possible to make a further reduction in the inland telegraph tariff. Arrangements have been made with the Indian Government by which, from the 1st May next, there will be daily postal communication between Colombo and Tuticorin. It is satisfactory to be able to say that the expansion of the postal and telegraph business has been such as to justify the

grant of these concessions to the public advantage. But as a consequence of that expansion, which promises to continue, it will become necessary to provide for a somewhat increased Postal Establishment.

For some time past the desirability of adding to our educational system the training of artificers in the artistic and mechanical industries, by a combination of mental and manual teaching, has been recognised; and the first steps have been taken towards the organization of a scheme of technical education, intended to supplement the practical instruction in agriculture and in veterinary science which already forms a part of our educational system.

It affords me pleasure once more to bring to your notice the development of the numbers and efficiency of the Volunteer Forces. The annual Camp of Exercise has just been held for the fourth time, and on this occasion a body of Regular Troops has been associated with the Volunteers, the whole force being commanded by the chief of the Headquarter Staff. The General Officer Commanding, having inspected the Camp and the Forces assembled there, has reported in high terms of the intelligence, efficiency, and zeal of the Volunteers. A detachment of the Mounted Infantry, enrolled during the last and the present year, was present at the Camp of Exercise.

The success of the representation of Ceylon at the International Exhibition at Chicago has surpassed all expectation. The thanks of the Government and of the Colony are due for the prominent position thus secured by Ceylon, to the courage, tact, and tenacity of the Special Commissioner, our honourable friend Mr. Grinlinton. I have just received an announcement by telegraph that a Jurors' Award has been given in respect of our Main Court. It behoves us to take care that the advantage thus gained, at a great sacrifice of money and trouble, be turned to profitable account.

The total Revenue of the year 1892 amounted to Rs. 18,509,186, as against Rs. 17,962,710 collected in 1891, showing an increase of Rs. 546,476. I omitted, when addressing you last year, to call your attention to the fact that the Revenue of 1891 had exceeded the largest Revenue ever before collected in Ceylon, namely that of 1877, which amounted to Rs. 17,026,190. If for the purposes of more just comparison there are deducted from these totals the sums received in each year on account of the sale of Crown Lands and of the Pearl Fishery, neither of which items are Revenue proper, it will be found that the Revenue of 1892 stands at Rs. 18,071,289, exceeding that of 1891 (Rs. 16,742,382) by more than one million of rupees, and surpassing by nearly three millions of rupees the Revenue of the year 1877, which for so long a time held the position of the most prosperous year in the history of Ceylon.

The Railway receipts of 1892 continued to show a satisfactory increase, having in 1892 reached the sum of Rs. 4,698,094, an excess over the receipts of 1891 of Rs. 267,560. This increase was mainly due to an expansion of the passenger traffic. During 1892 the Railway carried 1,200,000 more passengers than in 1889, an increase of 50 per cent. in three years,—an unmistakable indication of growing prosperity.

Turning now to the Customs receipts, there has been, in the same items, an increase on the receipts of 1891 of Rs. 458,216, the receipts of 1891, amounting to Rs. 4,137,542, having been until 1892 the largest Customs Revenue raised in any one year. This sum does not include Colombo Harbour Dues and Pilotage, which amounted in 1892 to no less a sum than Rs. 713,305. Among Imports, food articles, grain, kerosine oil, malt liquors, and wines show the largest increase. Under Exports, the most remarkable increase was in the products of the cocoanut palm, the total value of these products exported having been Rs. 11,524,735, as compared with Rs. 8,275,272 in 1891. The increase in the quantity of tea exported was 4½ millions of pounds, and in the quantity of plumbago, over 30,000 cwt. The receipts under the head of Post and Telegraphs also show a marked increase, amounting to Rs. 204,014 over the corresponding receipts of 1891,—and this notwithstanding a considerable reduction in postal and inland telegraph rates. A satisfactory expansion of the trade of the Colony is evinced by the increased value of the Imports and Exports, which, amounting in 1892 to Rs. 123,857,835, exceeded the value shown by the returns of the previous year by six and a half millions of rupees. This does not include the value of specie imported and exported, which amounted to nine millions of rupees. The shipping returns are also satisfactory. The Harbour Dues collected at the Port of Colombo alone reached the sum of Rs. 667,640, showing an increase of Rs. 48,678 over the receipts of 1891,—whilst the number of vessels entered and cleared at all ports of the Island (six-sevenths of the total being at Colombo) was 7,494, with a tonnage of 5,790,706 tons, showing an increase over 1891 of 385 vessels and of 93,766 tons.

The assets of the Government on the 1st January, 1893, exceeded its liabilities by Rs. 2,065,408.

The returns of the Revenue for the first eight months of this year show a small deficiency of Rs. 12,000 on the whole of the corresponding two-thirds of the estimate of the year's Revenue. They are disappointing under the head of Government Railways. The failure of the receipts from the Government Railways to attain the estimated proportion for the first eight months of the year is in a measure due to insufficient allowance having been made for the effect of the reduction recently conceded in the rate for the carriage of tea. I fear that unless there is a considerable recovery before the close of the year the proceeds from the Railways may fall short by about Rs. 350,000 of the estimated yield. But although the Revenue receipts for the first eight months of the year are slightly below the estimate, they are about Rs. 50,000 in excess of the actual receipts of the corresponding period of 1892. I am thus induced to hope that I may be able to announce to you next year that the Revenue of 1893 has not fallen much, if at all, short of that of 1892, notwithstanding the loss for the first time, during the present year, of the proceeds of the paddy tax, and notwithstanding also the fact that the additional import duties imposed during the last Session have not yet had time to produce their full effect. Satisfactory as the financial condition of the Colony is at the present moment, I am inclined to think that there is some slight indication of a possible slackening—temporary, I believe—of the rapid rate of increase in trade and revenue which has so happily marked the history of the last few years; and therefore, although convinced that there is no cause for anxiety or discouragement, I should consider it imprudent to propose to you any measure having for its object the diminution of any of the sources of Revenue.

The extension of the Railway to Haputalé was opened for traffic in June last. It is hoped that the short prolongation of that section to Bandarawela may be finished about September next. The last section of the line to Galle will probably be opened to the public in May next, and the section to Kurunégala in February. The survey of the line to Jaffna will be completed early next year. When all the facts are placed before you, I am inclined to think you will consider that the extension of the southern line from Galle to Mátara is a work that should, on the grounds of public usefulness and probable profit, be taken in hand at an early date.

In Ceylon the construction of works of public utility falls almost entirely on the Government, partly for the reason that the Government can best command the capital required for carrying out such works, and partly because, in our social condition, a combination on a large scale of means and energy for the execution of any purpose of common advantage is difficult to secure. As a consequence of these conditions, the construction of irrigation works of magnitude has devolved upon the Government instead of upon those directly interested in them, in the same way as do the opening and construction of roads designed for the special advantage of a group of proprietors inhabiting a limited area. As in the case of roads of the class referred to, so in the case of irrigation works, it seems equitable that those who profit should bear the cost, or at any rate a share of it. In the past this principle has not perhaps, as regards irrigation works, been fully acted upon, although it forms the basis of our legislation respecting such works. But it is now the fixed policy of the Central Irrigation Board to make every effort either to recover the capital expended, or to secure a direct return equal to a fair amount of interest on that capital, and also to refrain from recommending to the Government the undertaking of any work which cannot be shown to be fairly remunerative. The Deduru-oya minor scheme is the only work of magnitude now in course of construction. You will be asked to grant in the Supply Bill of 1894 a sufficient sum to complete it.

I hope to be in the position to ask your consideration of a new work having for its object a partial restoration of the Giant's Tank, in the Mannár District. During the early part of the present year I visited that district, and it was strongly impressed upon me that it had become the duty of the Government to undertake this work. An industrious population exists and the soil is fertile, but a short and capricious rainfall renders the crops, and consequently the health and even the life of the people, precarious. Careful estimates, amounting to Rs. 440,109, of the cost of the work will be placed before you, and it will be shown to you that the inhabitants of the district to be benefited have, in the terms of the Irrigation Ordinance, bound themselves either to repay the cost of the work or to pay interest on the capital expended. I commend the scheme now designed (a far less costly one than that formerly brought to your notice), and I propose to ask you to vote on account of estimated expenditure the sum of Rs. 40,000.

A scheme for a complete and comprehensive improvement of the Harbour of Colombo will be placed before you for your consideration. This scheme, which is based on the recommendations

of a local Committee composed of gentlemen of great experience and ability, and possessing, I feel sure, the confidence of the public, is designed to secure the largest attainable extent of harbour accommodation. It provides for a harbour, which among artificial harbours will be unsurpassed both as regards size and convenience. Every information respecting the scheme will be communicated to you at the earliest possible date. If you have as firm a faith as I have in the future of Colombo, it will, I anticipate, meet with your warm approval.

The Estimates of 1894 are in course of preparation and will be soon placed before you. You will be asked to make as liberal an appropriation as the means at your disposal will permit for the continuance of the generous policy which has always guided your action in providing for the improvement and extension of the roads, and for the construction, enlargement, and repair of public institutions and buildings. But until the large works already begun shall have been brought nearer completion, it will be impossible to propose to you the undertaking of others on the same scale.

In the work of Legislation I do not contemplate proposing any radical change or any new principle of Government, but Bills have been prepared, and will be laid before you, having for their object the abatement of evils which are believed to exist, and the amendment of existing enactments for the protection of the health and interests of the public.

The "Municipal Councils Ordinance, 1887," has been in operation for a period of nearly six years, and the Municipal Councils have now suggested the desirability of amending that Ordinance in certain particulars. A draft Bill has been prepared containing such of the suggested amendments as have met with the approval of Government and are likely to add to the usefulness of the original Ordinance. In addition to such amendments the Bill provides, on the lines of the New South Wales "Dairies Supervision Act," for establishing sanitary regulations respecting the supervision and control of dairies and supply of milk within Municipal limits. To adulterated milk and the milk of diseased cows has frequently been traced the origin of infectious and other maladies, and I am sure this Council will welcome a measure which will place dairy premises and milk stores under the effective supervision and control of Municipal Councils, and thereby improve the sanitary conditions of our larger towns.

The Municipal Council of Galle having applied to Government for the extension to the Municipality of the provisions of the Ordinance No. 9 of 1889, relating to the sale by retail of opium and bhang within the Colombo Municipality, it has been considered desirable to extend the provisions of that Ordinance to all Municipal and Local Board towns, and a Bill will be laid before you for that purpose. The extension of the provisions of that Ordinance to all Municipal and Local Board towns will lead to an increase of revenue from this source, without increasing the opportunities and temptations to indulge in the use of opium and bhang, as the probability is that the number of licensed shops will be reduced thereby.

The sepulture of the dead, and the decent and orderly keeping of cemeteries attached to towns, being peculiarly a duty devolving on representative bodies such as Municipalities, I shall ask you to consider an Ordinance which has been prepared for the purpose of vesting in Municipal Councils the management and control of existing cemeteries situated within Municipal limits, and of casting on them the duty of providing new cemeteries whenever they may become necessary; conserving, however, to religious denominations all rights, privileges, and fees to which they are entitled, under the provisions of the Ordinances Nos. 2 of 1885 and 17 of 1886, in respect of any portion of a General Cemetery set apart for their special use.

The Planters' Association having expressed a desire for the re-enactment of the Ordinance No. 5 of 1885, which enables the Governor, with the advice of the Executive Council, by Proclamation, to authorise the levy of a fee, not exceeding fifty cents, at any place on any road, river, or canal, for the purpose of defraying the expense of the protection and supervision of goods, produce, and merchandise conveyed in carts or boats along such road, river, or canal, I have consented to re-introduce the provisions of that Ordinance, and a Bill for that purpose will be submitted to you.

During the Sessions of 1891 and 1892 a Commission was appointed, at the instance of the Hon. Member representing the Mercantile Interests, to consider the provisions of "The Joint Stock Companies Ordinance, 1861," and to report if any amendment of the same was desirable. On receiving the report of that Commission I caused a Bill to be prepared, embodying the most important of the amendments suggested therein. Should this Bill meet with your approval, a local company will, in future, be able to alter its memorandum of association in the same manner,

and subject to the same conditions and restrictions, as a company incorporated under the Imperial Statutes is authorised to do under the provisions of the Imperial Statutes 53 and 54 Victoria, Cap. 62.

The expediency of regulating the business of small pawnbrokers in the Colony has been pressed on the attention of the Government, not only as a check upon the disposal of stolen goods, but also as a preventive against dishonest misappropriation of the articles pawned. A Bill on the subject has been prepared after careful consideration. It applies only where the sum lent by a pawnbroker at any one time does not exceed Rs. 100. Such a pawnbroker must take out a license and have his place of business registered. Any officer of police not below the rank of an Inspector may enter the shop or residence of such pawnbroker, and examine and take note of any article pledged with him, or any books and papers kept by him. Pledges pawned for five rupees or under are redeemable within a year, and seven days of grace added to the year ; but pledges pawned for over five rupees continue to be redeemable until they are sold by public auction. The modes of pawning and redeeming are prescribed, and the liability of the pawnbroker for depreciation of pledge through his neglect, or its supposed destruction by fire, is defined. The pawning, without lawful excuse, of goods not belonging to the pawner is declared an offence, and provision has been made to meet the case of persons offering articles in pawn without being able to give a satisfactory account of how they became possessed of them. It is intended to introduce this Ordinance only within such limits as the Governor shall by Proclamation ordain.

The absence of legislation with regard to the disease known as *rabies* has been prominently brought to my notice, and I shall consequently ask you to consider an Ordinance for its suppression. The Ordinance is drafted upon the lines of the orders recently passed by the Board of Agriculture in the United Kingdom, and embraces the main provisions of Ordinance No. 9 of 1842, which it repeals. It provides for the destruction of stray dogs and for the issue of regulations for the suppression of hydrophobia. The measure has met with the approval of the Government Agents for the several Provinces, and in it the valuable suggestions of the Principal Civil Medical Officer and Inspector-General of Police have, so far as possible, been embodied. I feel confident that the Ordinance will commend itself to you.

The absence of any provision for the protection of birds, beasts, and fish not indigenous to the Colony, it is alleged, has caused the main difficulty in introducing new fauna. A Bill to prevent the wanton destruction of birds, beasts, and fish not indigenous to the Colony will be laid before you, in the hope that the passing of such a measure will lead to the formation of an Acclimatisation Society, and to the introduction into the Colony of animals, birds, and fish of great value.

It is desirable that there should be one law dealing with butchers and slaughter-houses for the whole Island, and I shall ask you to consider a Bill amending the law relating to butchers and the slaughter of cattle. The Chairmen of Municipal Councils and Local Boards will be thereby constituted the proper authorities for working the Ordinance within the limits of their respective towns, and the Government Agents outside such limits. The duty of issuing licenses to persons desirous of carrying on the trade of butchers, and special licenses to persons (not licensed butchers) to slaughter cattle, will devolve on the proper authority. Provision is made for the erection of buildings for the purposes of a public slaughter-house in any town, and power is given to the Governor, with the advice of the Executive Council, to declare and proclaim such buildings to be slaughter-houses, when the same have been duly certified by the proper authority as sufficient for that purpose. Licensed butchers are permitted to slaughter cattle at such slaughter-houses only, or at such other place as shall be appointed for that purpose by the proper authority. The rules and regulations to be made under the Ordinance, in reference to slaughter-houses, are to be made by the proper authority, but will not come into force until confirmed by the Governor in Executive Council, and published in the *Government Gazette.*

My attention having been invited to the restriction imposed by sub-section (*a*) of section 19 of "The Petroleum Ordinance, 1887," on the quantity of petroleum to be conveyed at one time in any carriage—a restriction which practically prohibits the use of tank carts by the bulk petroleum trade—I have directed a Bill to be framed, excepting from the operation of that sub-section carts which have been specially constructed for the purpose, and which have been duly licensed for the conveyance of petroleum. This amendment of the law, together with certain modifications and amendments of the existing rules regulating the importation of petroleum, will, I trust, facilitate the introduction of petroleum in bulk into the Colony, and ensure a reduction of the price of that commodity.

A portion of the land belonging to St. Paul's Church being required by the Municipal Council of Colombo for widening the junction between Kayman's gate and Wolfendahl street, a draft Ordinance will be submitted to you enabling the trustees of that church to transfer to the Council sufficient land for the purpose of carrying out this useful improvement.

Twenty years have elapsed since the passing of the Ordinance No. 12 of 1873, which provides for the prevention of accidents by gunpowder, and it is now considered necessary to amend it on the lines of the English Explosives Act. It is proposed that any quantity of "explosives" in excess of ten pounds should not be kept at any place other than a licensed store or public magazine. The regulations for storing, removing, and selling the explosives appear in the Bill, and the Governor, with the advice of the Executive Council, is empowered to make rules on the subject of constructing stores, and prescribing the conditions under which explosives may be kept in them.

HONOURABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL,

In full assurance that you will continue to extend to me that cordial co-operation and that sympathetic support to which the success of my administration has hitherto been so largely due, I, now, in the Queen's name, declare the Session of the Legislative Council to be duly opened.

THE DEBATES

OF THE

CEYLON LEGISLATIVE COUNCIL.

DURING THE SESSION 1893-94.

WEDNESDAY, OCTOBER 18th, 1893.

OPENING OF THE SESSION.

Present:—His Excellency Sir Arthur Elibank Havelock, K.C.M.G., the Governor, who occupied the chair; H. E. Sir Noel Walker, Lieut.-Governor; H. E. Major-General Clive Justice, Commander of the Forces; the Hons. J. A. Swettenham, Auditor-General; C. P. Layard, Attorney-General; F. R. Saunders, Treasurer; D. G. Mantell, Acting Surveyor General; E. Elliott, Acting Government Agent for the Western Province; P. A. Templer, Government Agent for the Central Province; R. Reid, Principal Collector of Customs; W. W. Mitchell, Mercantile representative; Dr. P. D. Anthonisz, C.M.G., Burgher representative; A. De A. Seneviratne, Lowcountry Sinhalese representative; M. C. Abdul Rahiman, Muhammadan representative; L. H. Kelly, Planting representative; P. Coomara Swamy, Tamil representative; and also H. L. Crawford, Clerk of the Council.

Absentees:—The Hon. J. J. Grinlinton, European representative; and T. B. Panabokke, Kandyan representative.

ADDRESS OF HIS EXCELLENCY THE GOVERNOR.

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

THE REPLY TO HIS EXCELLENCY'S ADDRESS.

The Hon. the ATTORNEY-GENERAL:—Sir, I beg to move that the following hon. members be appointed a Committee to draft a reply to the address which has been read by His Excellency the Governor today—the Hon. the Auditor-General, the Hon. the Treasurer, the Hon. the Government Agent C. P., the Hon. P. D. Anthonisz, the Hon. W. W. Mitchell, and the Hon. P. Coomara Swamy.

The Hon. L. H. KELLY seconded, and the motion was unanimously agreed to.

REDUCTION IN THE COST OF ESTABLISHMENTS.

The Hon. L. H. KELLY:—Sir, I beg to give notice that at next meeting of this Council I shall move that in the opinion of this Council the time has arrived for a considerable saving in the cost of the provincial administration of this colony, the abolition of the Paddy Tax as pointed out by His Excellency the Governor in his Despatches to the Secretary of State for the Colonies, justifying a reduction in the cost of establishments.

JOINT STOCK COMPANIES' ORDINANCE.

The Hon. the ATTORNEY-GENERAL:—Sir, I rise to move the first reading of a bill entitled "An Ordinance to amend The Joint Stock Companies' Ordinances 1861 and 1888." It will be within the recollection of the members of this Council that last year the hon. member who represents the Mercantile community in this Council moved in this Council for the appointment of a Commission to consider and report on the working of the Joint Stock Companies' Ordinance of 1861. This motion was acceded to by the Government, and His Excellency the Governor was pleased to appoint the following gentlemen to be a Commission to report on the working of that Ordinance, viz., Mr. Allanson Bailey, who was then the Auditor-General, my friend and colleague the Solicitor-General who was then the esteemed representative of the Tamil community in this Council, and the hon. gentleman who represents the Mercantile interests in this Council. In due course of time they forwarded a Report which was laid on the table of this Council, and the Government decided to follow the suggestions made in that Report, and the bill which is now before the Council was drafted on the lines of that Report. Two very important suggestions were made in that Report. One was that the Ordinance should be amended, so that power should be given to a Company to amend by resolution passed at a general meeting its Memorandum of Association. Members of this Council will remember that one of the most important elements in the Memorandum of Association of a Company is the provision which relates to and declares the business for the purposes

of which the Company is incorporated. It was considered by Government inexpedient that a Company should be allowed to entirely change the business for which it was incorporated by passing a simple resolution at a general meeting without any safeguards, without any notice to its creditors, and it was therefore resolved by Government to adopt the provisions of 53 and 54 Vict. Cap. 62, which provides that the Memorandum of Association of a Company may be altered, first by a special resolution of the Company, secondly by the Company obtaining an Order from the District Court affirming the resolution, thirdly by notice to all the creditors of the Company, fourthly by payment to any of the creditors who object to the alteration of the Memorandum of Association, and fifthly by registration with the Registrar of Joint Stock Companies of the Order of the District Court affirming the resolution and of the Memorandum of Association as altered. A second very important suggestion made by that Commission was to recommend that new clauses be added to the Ordinance for the purpose of providing for the reduction of capital by a company on the lines of section 13 and following of the Indian Companies Act of 1882. It appears to have escaped the attention of the members of the Commission that the clauses of the Indian Companies Act were taken from the Imperial Act of 1867, and that the provisions of the Imperial Act of 1867 had already been introduced into our statute law by the Joint Stock Companies Ordinance 1888. I would remind the hon. member who represents the Mercantile interests in this Council that the introduction of that Ordinance was proposed to the Government by the Wharf and Warehouse Company, of which Company I believe he is the Chairman, and that after the passing of that Ordinance that Company successfully reduced their capital by means of its provisions. It is therefore unnecessary to carry out the last mentioned suggestion and to amend the Ordinance of 1861 by providing for the reduction of the capital by a Company on the lines of Sections 13 and following of the Indian Companies Act of 1882, as similar provisions have already been introduced into our statute law by the Ordinance of 1888. I move the first reading of a bill entitled "An Ordinance to amend the Joint Stock Companies' Ordinances 1861 and 1888."

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

The Hon. the ATTORNEY-GENERAL:—I give notice that I will take the second reading of this bill at the next meeting of Council.

PAWNBROKING.

The Hon. the ATTORNEY-GENERAL:—Sir, it gives me much pleasure to move the first reading of "An Ordinance relating to Pawnbrokers." The bill is drafted for the purpose of regulating the business of pawnbrokers in the island, and the primary object of it is to control the disposition of lost and stolen property. When such articles are now traced into possession of any person such person frequently justifies his possession by saying that he received them from another. There is no ready remedy for testing the truth of such allegation. Indeed we have no check upon the malpractices of dishonest pawnbrokers in this colony beyond what the cumbrous machinery of a suit or prosecution in our Courts affords. The present bill is mainly taken from the Imperial Act 35 and 36 Vict. Cap. 93, and is intended to supply a much-needed want. By pawnbrokers are meant those who at one time advance upon the pledge of one or more articles a sum not exceeding R100. They are required by the bill to take out a license, to keep books of a certain form, to issue tickets to the persons who have pledged goods with them, and they are liable to be visited by officers of the police who are empowered to examine and note all pawns, books, or documents which may be found in the shop or residence of the pawnbroker. In this manner receivers or other illegal possessors of stolen or lost goods will be brought under the surveillance of the police. The other clauses of the bill are intended to prevent other malpractices of dishonest pawnbrokers, such as evading redemption of pawns or refusal to pay over the surplus after the pawned articles have been sold and the payment of the amount due on them has been recovered. The bill fixes the period of redeeming pawned goods and provides for their redemption or forfeiture, as the case may be. A distinction has been drawn between pledges pawned for R5 and under, and those pawned for over R5, and the mode of redeeming each of these classes of pawns is provided in the bill. Pawnbrokers are made liable in damages for the destruction by fire of the pawned articles or the loss and deterioration of such articles by neglect or wilful misbehaviour. The pawning and offering in pawn of goods by a person other than the owner is constituted an offence, as also the giving of false information to the pawnbroker relating to the ownership of the articles pawned or offered by way of pledge. These and other regulations will not prejudice in any way the legitimate trade of pawnbrokers. They are intended to protect the poorer class of pawners and to control the disposition of lost and stolen property. I move the first reading of "An Ordinance relating to Pawnbrokers."

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

The Hon. the ATTORNEY-GENERAL:—I give notice that I will take the second reading of this bill at the next meeting of Council.

PETROLEUM.

The Hon. the AUDITOR-GENERAL:—Sir, I beg to move the first reading of a bill entitled "An Ordinance to amend the Petroleum Ordinance of 1887." At the time that the Petroleum Ordinance of 1887 was passed it was not contemplated that petroleum would be introduced into this colony in any other than the ordinary way, that is in the tin cases with which we are all familiar, whether the oil comes from America or from Russia. Quite recently, however, negotiations have been undertaken by firms in Colombo for the introduction into Ceylon of petroleum on a large scale on what is known as the bulking system under which the petroleum is brought in tank steamers, conveyed by pipes into tanks on land, and distributed by means of specially constructed vehicles. Clause 19 of Ordinance No. 6 of 1887 enacts that the following regulations should be observed:—

Any person who is licensed to keep petroleum may, subject to any enactments for the time being in force with respect to hawkers and peddlers, hawk such petroleum by himself or his servants, provided he observes the following regulations:—

(*a*) The quantity of petroleum conveyed at one time in any one carriage shall not exceed twenty-four gallons;

(*b*) The petroleum shall be conveyed in a closed vessel so constructed as to be free from leakage.

It was felt, sir, that these two provisions would stand in the way of the petroleum being carried about in tank carts, and it is therefore thought expedient to repeal this Clause and substitute the other regulations proposed. That, sir, is the scope

and object of the bill. Clause 2 enacts that this Ordinance shall be construed as one and identical with Ordinance 6 of 1887. Clause 3 repeals the sections which I have already quoted and substitutes a more workable provision. I move that the bill be now read a first time.

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

The Hon. the AUDITOR-GENERAL:—I give notice that at next meeting of Council I will ask the Council to allow this bill to be read a second time.

ACCIDENTS BY GUNPOWDER AND OTHER EXPLOSIVES.

The Hon. the TREASURER:—I beg, Sir, to move the first reading of "An Ordinance for the prevention of accidents by gunpowder and other explosives." It is not necessary for me to say very much with reference to this Ordinance which has been referred to by His Excellency the Governor in his Opening Address to this Council, but I may point out that the manufacture of explosives has increased so much within the last few years that it has been considered necessary to amend the Ordinance 12 of 1873 in order to deal with the various explosives which are now manufactured and imported. I may say at once that it is not intended in any way to tax the community by introducing this Ordinance. The fees which it is intended to impose are merely nominal, and the sole object of the bill is to provide for the public safety. It will be seen that the explosives are fully defined in the fourth Clause. It is not intended to interfere in any way with the keeping of explosives under 10 lb. in weight. Explosives more than 10 lb. in weight and under 20 lb. must be kept in registered premises. Between 10 lb. and 50 lb. they may be kept in a dwelling house; over 50 lb. and up to 100 lb. they may still be kept in a dwelling house, but they must be kept in a fire-proof safe. Over 100 lb. and under 200 lb. they must be kept in a building detached from a dwelling-house and at a safe distance from a public thoroughfare. Over 200 lb. they must be kept in a public magazine or in a licensed store. Explosives may not be hawked about and they must not be sold to children. These are the principal provisions of the bill, and if it is necessary I will enter more into detail when I take the second reading of the bill. I now move the first reading of "An Ordinance for the prevention of accidents by gunpowder and other explosives."

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

The Hon. the TREASURER:—I give notice that I will take the second reading of this bill at the next meeting of Council.

BUTCHERS AND THE SLAUGHTER OF CATTLE.

The Hon. the Acting GOVERNMENT AGENT, W.P.:—Sir, I beg to move the first reading of "An Ordinance to amend the law relating to butchers and the slaughter of cattle." His Excellency the Governor in the Address which we have just heard read has referred very fully to this bill, and it is not necessary for me therefore to say very much regarding it. I shall simply notice one or two amendments proposed in this Draft on the Ordinance of 1859. In this new Ordinance it is proposed to constitute the Chairman of the Municipal Council, the Chairman of the Local Board and the Government Agent, the proper authority to deal with these matters instead of the Police and Police Court under the old Ordinance. The Chairman of the Municipal Council has already the power under the Municipal Councils Ordinance. The Chairman of the Local Board will now have the power for the first time, and the Government Agent will be the proper authority in rural districts. I think this is an important matter, as these officers are now in charge of the police in rural districts, and it is their duty to prevent cattle-stealing. At present when an animal is killed it is only necessary to give notice to the nearest resident headman who may be a very humble individual indeed. So that when an animal has been stolen and killed and the law is complied with by going to some small petty headman, the only penalty for connivance is dismissal which is really no punishment at all. I am sure the Government Agents will see that only headmen of some standing are authorized under this Ordinance. I beg to move the first reading of the bill.

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

The Hon. the Acting GOVERNMENT AGENT, W.P.:—I give notice that I propose to take the second reading at the next meeting of Council.

THE CONTROL OF GENERAL CEMETERIES.

The Hon. the Acting GOVERNMENT AGENT, W.P.:—Sir, I beg to move the first reading of "An Ordinance to vest the control of general cemeteries situated within Municipal limits in the Municipal Council." His Excellency the Governor in his Address has already referred to the proposed legislation on this subject and given the reasons for the changes about to be made. The principal change is that such powers now exercised by Government as the authorizing of the erection of chapels and granting exclusive right of burial &c. shall in future be vested in the Chairman of the Municipal Council. I do not think there is anything more I need say at present. I move the first reading of the bill.

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

The Hon. the Acting GOVERNMENT AGENT intimated that a Committee was now sitting on this matter, and he did not propose therefore to take the second reading until later on.

THE RETAIL OF OPIUM AND BHANG.

The Hon. the GOVERNMENT AGENT, C. P.:—Sir, I beg to move the first reading of An Ordinance relating to the sale by retail of opium and bhang within Municipal and Local Board towns." I may begin by pointing out that this bill will not affect the general question of the traffic in and the consumption of opium which may possibly come under the notice of the Council at a later date on its own merits. As for the bill itself both its principle and the details have been before the Council on a previous occasion in respect to the Municipality of Colombo, and there appears to be no good reason why machinery which has been made available for the Municipality of Colombo should be withheld from kindred institutions. Moreover, the exclusion of these other institutions from the operation of the law works loss and injury to the dealers in opium within the Municipality of Colombo, for those who held licenses in other towns where in effect the cost of a license is very much lower than in this Municipality are naturally able to undersell the dealers in Colombo. I do not think the bill requires any further remarks from me and I move now the first reading.

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

The Hon. the GOVERNMENT AGENT, C.P.—I beg to give notice that I will move the second reading at next meeting of Council.

ADJOURNMENT.

All the business on the agenda paper having been transacted, Council, on the motion of the Hon. the ATTORNEY-GENERAL, adjourned till next Wednesday at 2·30 p.m.

Council rose at 4-[illegible] p.m.

WEDNESDAY, OCTOBER 25th, 1893.

Present :—H. E. the Lieut. Governor in the Chair. The Hons. J. A. Swettenham, Auditor-General : F. R. Saunders, Treasurer ; C. P. Layard, Attorney-General ; E. Elliott, Government Agent W. P.: P. A. Templer, Government Agent, C.P.; R. Reid, Principal Collector of Customs ; D. G. Mantell, Acting Surveyor-General ; W. W. Mitchell, Mercantile representative ; L. H. Kelly, Planting representative ; Dr. Anthonisz, Burgher representative, A. De A. Seneviratne, Low-country Sinhalese representative ; Abdul Rahiman, Muhammadan representative ; P. Coomara Swamy, Tamil representative ; also Mr. H. L. Crawford, Clerk to the Council.

Absentees :—The Hons. J. J. Grinlinton, general European representative ; and T. B. Panabokke, Kandyan representative.

The minutes were read and confirmed.

THE REPLY TO HIS EXCELLENCY'S ADDRESS.

The Hon. the AUDITOR-GENERAL :—Sir, I beg to bring up the report of the Sub-Committee entrusted with the task of drafting an address to H. E. the Governor in reply to his speech of October 18th, and move that it be read by the Clerk of the Council.

The Clerk then read the report as follows :—

The Sub-Committee submit the following Draft Address for the consideration of the Council :—

ADDRESS OF THE LEGISLATIVE COUNCIL TO THE GOVERNOR IN REPLY TO HIS EXCELLENCY'S SPEECH OF OCT. 18TH, 1893.

To His Excellency the President of the Legislative Council, Sir Arthur Elibank Havelock, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Island of Ceylon, with the Dependencies thereof.

May it Please Your Excellency,—The Legislative Council desire to offer a cordial welcome to Your Excellency on your return after a brief interval of rest in England.

2. They unite with Your Excellency in deeply regretting the loss which the Colony and the Council have sustained by the death of Colonel Clarke.

3. It is gratifying to them to have Your Excellency's assurance that the prosperity of the Island continues unchecked, and that the efforts made by the Government to abate the prevalence of serious crime have lead to the reduction of the average number of prisoners in the jails of the Island. But they are not yet in a position to judge whether the recent reorganisation of the Police has contributed in any manner towards the attainment of this result.

4. The benefits to be attained by technical education are of such vast importance to the public that it is a matter for sincere congratulation that Your Excellency has succeeded in taking the first step necessary to add to our Educational System the training of youths in artistic and mechanical industries.

5. The increased facilities of postal communication with India will undoubtedly confer a great boon on the country, and the Council will be prepared to provide the cost of the necessary addition to Establishments. They think it desirable that still further reductions should be made in the inland telegraph rates, and they will be glad to see an early realisation of Your Excellency's hope in this direction.

6. The Council share Your Excellency's opinion with regard to the success which has so far attended the work of the Special Commissioner at Chicago. They trust that one of its permanent results may be that the products of this country, especially tea, will secure a firm hold of the American market.

7. The Council are pleased to learn that the General Revenue shows a satisfactory increase. They will favourably consider such facts and figures as may be placed before them in justification of the proposed Railway Extension to Matara. They hope that every effort will be made to attract to the existing lines, more largely than hitherto, the products of the lowcountry.

8. The recent determination of the Central Irrigation Board to endeavour to recover the capital expended on Irrigation Works, or to secure a direct return equal to a fair amount of interest on that capital, and to avoid undertaking any work which cannot be shown to be fairly remunerative, meets with the entire approval of this Council.

9. The proposed restoration of the Giant's Tank has frequently been brought to the attention of the Government of this country in time past. If all the requirements of the law in respect of the repayment of the cost of the work and its maintenance have been fulfilled, and the estimates are found to warrant the undertaking, the Council will be prepared to consider the best mode of providing the funds. They earnestly hope that no vote will be proposed to them until all materials essential for a consideration of the subject have been placed before them in due time and full opportunity given for a complete study of the merits of the scheme. Some Members of Council consider that money for the construction of such works ought to be provided by borrowing instead of by appropriating from General Revenue.

10. The Council, having as firm a faith as Your Excellency in the future of Colombo, await with deep interest the papers relating to the improvement of its Harbour, and when they are submitted to them they will give to this important proposal the full attention it deserves.

11. The Estimates for 1894 and the Bill referred to in Your Excellency's Address, together with any others that may be brought forward this Session, will receive the careful consideration of this Council. The Council assure Your Excellency that their hearty co-operation and support may be fully counted upon in all that concerns the welfare of the island.

Legislative Council Chamber,
Colombo, October 25th, 1893.

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

The Hon. the ATTORNEY-GENERAL seconded.

The draft was unanimously adopted.

H. E. the LIEUT.-GOVERNOR thereafter intimated that the Council would adjourn for a few minutes to await the attendance of H. E. the Governor.

His Excellency the Governor arrived about five minutes afterwards attended by Mr. Ogilvy, Private Secretary, and took the Chair.

H. E. the LIEUT.-GOVERNOR then read the address, the members standing while it was being read.

HIS EXCELLENCY replied :—Hon. gentlemen of the Legislative Council, I thank you for your kind welcome on my return from leave of absence, and I accept with satisfaction the assurance you give me of your co-operation and support.

PAPERS.

H. E. the LIEUT.-GOVERNOR laid on the table the following papers :—Message from His Excellency the Governor relating to the improvements to the Harbour, with accompanying papers ; Archæological Survey of Ceylon, fifth progress report ; Correspondence relating to the daily postal service between India and Ceylon, by the B.I S.N. Co.'s steamers ; quarterly return of expenditure on the Kurunegala railway to 30th June last ; Administration Report for 1892 of the Municipality of Galle

Rules and Regulations under the Forest Ordinance of 1885 and the accounts furnished by the several Provincial Road Committees for 1892, in terms of section 20 of the Road Ordinance 10 of 1891.

THE WATER SUPPLY OF GALLE.

The Hon. M.C.Abdul Rahiman: I beg Your Excellency to permit me to present a petition from certain residents in the Fort of Galle who are complaining that the water recently supplied by the Municipality is unfit for human consumption. I understand it was analysed and condemned on medical grounds. The ratepayers have the right to protest against the water rate which the Municipality are now seeking to recover from the unfortunate householders. The reservoir is entirely dependent upon rain water, and it is undoubtedly stagnant water, and it is a matter for the medical authorities to decide. Herewith I also beg to present a report from the City Analyst. The petition being a long one need not be read, and I therefore simply move that it be received.

The petition was as follows:—

The Memorial of the undersigned Resident Householders and Inhabitants of the Fort of Galle. May it please Your Excellency and this Hon'ble Council. That the Memorialists beg leave most respectfully to submit for Your Excellency's kind consideration as well as that of this Hon'ble Council that the water from the stand pipes of the Bikke Water Works now laid by the Galle Municipality for the use of the inhabitants and residents of the fort is totally unfit for human use. it is not only stagnant, muddy, yellowish colour and of a rusty taste, but impure, offensive, stench-bearing and disgusting to the eyes. The Memorialists therefore apprehend great fear and danger of their lives and that of their inmates by the use of this water. Cholera, malarial fevers and different other epidemics and diseases may be contracted by its use and the Memorialists' minds are entirely prejudiced against its use. True it is that the Reservoir, Waterworks and appurtenances may have cost a great deal of money to the Municipal Council, but this is no reason why the Memorialists' should risk their lives by utilizing it. The memorialists' one and all are fully aware what a boon it is to the public and themselves to have a good water supply and what a help it is to the inhabitants. The Memorialists' do not grudge the tax (water rates) imposed on them, which they are cheerfully and willingly ready to pay, provided the water were fit for human use and consumption, but on the contrary it is not and can be proved to be so by almost all the residents of the fort.

The Memorialists' saw notices from the Council dated the 26th June 1893, intimating that water rates will be levied at 7 per cent from 1st July next which information was indeed a matter of surprise to them bearing in mind the fact that the condition of the water coming from the stand pipe, is such as renders it detrimental and injurious to the health and lives of the Memorialists' and all those who may drink it.

The Memorialists in writing represented the matter to their duly elected Councillor (Mr. W. E. de Vos) and requested him as their representative to take such steps as he may think necessary to lay their case before the Council with a view of having the water tested and properly analysed by a competent analyst at the stand pipes and in the presence of the Memorialists' which course will doubtless tend to remove all fears and prejudices not only from the Memorialists' minds alone but from the minds of other who may be compelled to use it.

The Memorialists' also forwarded Memorials to His Excellency the Lieut-Governor in June and July last, laying this matter fully before him and praying for redress, but they regret very much to say that they received no reply.

The Memorialists believe that at the representation made by them to the Municipal Council in June last the water rates which were to have been levied from 1st July was stopped and now the Municipal Council has again noticed to the public by beat of tom-toms and placards that water rates will be levied from 1st October 1893 and that a quarter's advance will be enforced whereupon the Memorialists' formed a deputation to see the Chairman of the Municipal Council at his office in the Kachcheri on the 2nd inst. They waited for the Chairman at the Kachcheri from 11 a.m. till about 1-30 p.m. at which hour he was returning to the Kachcheri from the Municipal Office, and when he saw them and they were about to express their sentiments he apparently enraged hurriedly went off saying in an angry tone "whether you like or not you must pay the taxes." From this expression Your Excellency and this Hon. Council will doubtless infer that the Municipality does not care what becomes of the health and lives of the Memorialists. What they want are the taxes only, for neither the Chairman nor the members of the Municipal Council have occasion to use this water so that their lives are not in jeopardy through it.

The Memorialists in laying the above facts before Your Excellency and this Hon. Council pray that Your Excellency's Government may be graciously pleased to take their case into consderation and judge the fearful predicament they are placed in by being compelled to pay taxe on an article which they cannot actually utilize or consume without endangering their lives and that of their families. The Memorialists further pray that your Excellency as the Ruler of this colony and the Representative of Her Majesty the Queen will be graciously pleased personally to test the water thus forced on them for their consumption and against their will and what they say "will endanger their lives," and if to your Excellency's most gracious and judicious consideration your Excellency thinks that the water is fit for human consumption (which Memorialists' doubt) the Memorialists as a body will abide by any decision which it may please your Exlcelency to decree.

And the Memorialists' as in duty bound, will ever pray.

Galle, 9th Oct. 1893.

THE FOREST ORDINANCE,

The Hon. L. H. Kelly:—Sir, I beg to give notice that at the next meeting of Council I shall ask when the rules and regulations under the amending Forest Ordinance are to come into force. No doubt Government will be able to answer me as I have had some communication with my hon. friend the Colonial Secretary on the subject.

H. E. the Lieut.-Governor:—Sir, I may say at once in reply to the hon. member that the regulations which he has in view have been under consideration for some considerable time. The desire has been to make them as complete and clear as possible, and the numerous suggestions we have received have considerably contributed towards the delay. I think however that they have at last arrived at the final stage, and I see no reason why they should not be put in force in the course of a fortnight or a month. The regulations which I laid on the table just now are on two or three subsidiary points, but they are not the regulations which I am sure the hon member refers to.

THE ROAD ORDINANCE.

The Hon. Dr. P. D. Anthonisz:—Sir, I beg to give notice that at the next meeting I shall bring forward the following motion:—"That the Road Ordinance of 1884 be amended; (1) that the fine of R10 on Road defaulters be discontinued; (2) the double commutation due by a Road defaulter after a warrant of arrest has been served on him, or while in jail, be accepted by the Chairman of the Road Committee; (3) whenever the double commutation is paid (at the time of arrest,

or after it, or when the defaulter is in jail) the defaulter should be released forthwith; (4) in case of imprisonment the defaulter should not be put to hard labour as a criminal but should be worked outside the jail according to the requirements of the Road Ordinance."

THE REDUCTION OF ESTABLISHMENTS.

The Hon. L. H. Kelly :—Sir, at the last meeting of Council I gave notice of a motion with regard to provincial expenditure. Since then I have had some opportunity of talking over the matter with my colleagues and I have come to the conclusion that the object I have in view may be more readily attained if your Excellency as president of this Council and the members will allow me to alter the motion. In the motion as it originally stood it was stated that in the opinion of this Council the time has arrived for a considerable saving in the cost of the provincial administration. As I propose now to amend it the motion would read :—

"That in the opinion of this Council the time has arrived for the appointment of a Committee or Commission to consider what saving in the cost of the Provincial Administration of this Colony can be effected by the abolition of the Pady Tax, as pointed out by His Excellency the Governor in his despatches to the Secretary of State for the Colonies, justifying a reduction in the cost of Establishments."

His Excellency the Governor :—With the consent of the Council the hon. member may be allowed to amend the terms of his motion.

This was agreed to.

The Hon. L. H. Kelly :—Then, sir, I beg to submit the motion as amended to this Council. In bringing forward this motion, sir, I wish it to be distinctly understood that I do not do it in any carping spirit or with any idea of unfavourably criticizing the members of the present Civil Service. That is farthest from my thoughts. I am aware that owing to the depreciation of the rupee the Civil Service of Ceylon is not now what it used to be, and I am under the impression,—and I think that many of my colleagues—indeed I think I may say all my colleagues—on the unofficial side of this Council are of the same opinion—that the remedy for this is the reduction of the plurality of appointments.

His Excellency the Lieut.-Governor :—The reduction of what?

The Hon. L. H. Kelly :—The number of appointments, either by amalgamation or abolition, such as, for instance, the number of Government Agencies the reduction of which while it will very largely increase the emoluments will at the same time bring about a considerable reduction in expenditure. I am quite aware, sir, that these offices cannot be summarily abolished and the officers be put on pension; but I would urge that as the appointments become vacant a re-arrangement be made on the lines of the suggestion I have now thrown out. That some such scheme must have been in Your Excellency's mind seems apparent from your despatch to the Secretary of State on 6th May 1891 in which you said :—

"The total increase of revenue thus leviable amounting to R1,100,000 would, if the present import duty on rice could be retained would be more than amply sufficient to cover the loss of the yield of the paddy tax, the gross amount of which is less than a million rupees. The salary paid to the Grain Commissioner and the Commission paid to Collectors of the paddy tax amount to about R65,000 per annum.

"But this sum represents but a small portion of the real cost of the collection of that tax or of the saving which would be effected by its abolition. 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."

Again in the same despatch Your Excellency said :—

"The machinery used in its assessments and collection might serve as a basis on which to construct a system of general land revenue, should it be found necessary or politic to adopt such a system."

The system of general land revenue being a very large question indeed and requiring a very large staff to carry it out, simply seems to me to point out that the amount of work which is thrown upon those administering the Provincial revenue of this colony must have been very great, and I feel certain, sir, that this despatch could not have been sent home to Lord Knutsford without your having obtained the most reliable information from the officers most capable of giving it to you. On the 15th October 1891 in your despatch to the Secretary of State, Your Excellency said :—

"In mentioning a million rupees as the yield of the paddy tax, I overstated the case. The proceeds of the paddy tax amounted to R927,142 in 1889, and to R829,527 in 1890. The proceeds during the present year will, by reason of the large reduction recently made with Your Lordship's approval in the assessment of the Province of Uva, and by other causes, be probably still further decreased. If the collection of the tax under the present system were continued, its average annual yield would certainly not exceed R900,000. But it may be confidently assumed that under no circumstances will the present system be continued. If the tax be not repealed, the inevitable alternative will be the adoption of the recommendations made in the report of the Select Committee of the Legislative Council. The result of the adoption of those recommendations will be a loss in the proceeds of the tax which it would not be safe to estimate at less than R350,000. The gross yield of the tax would be thus reduced to about R550,000 without any decrease in the cost of collection. If the cost of collection be deducted, the net value of the tax would be considerably less than R500,000. But to be on the safe side, I would propose to raise R550,000 from the sources I have mentioned. This course would not require machinery for collection, which does not already exist, and would entail no cost beyond that now incurred."

The Secretary of State when he agreed to the abolition of the paddy tax laid great stress upon the figures which were sent home to him, and in his despatch of 12th February 1892, he said :—

"The question then arises what fresh imposts, if any, should be imposed, in order to make good the loss of the paddy tax. For the twelve years ending with 1888, the average gross yield of the paddy tax was something over R1,000,000 a year, but it has shown a marked tendency to decline. If the tax had been retained, I assume that admittedly, there would have been no alternative but to adopt the scheme of the Select Committee, which would have entailed such a reduction in the gross receipts that, taking into account the cost of collection and the increased work of survey recommended by the Committee, the amount on which the Ceylon Treasury could have counted would not have been more than R500,000 net revenue per annum. I do not see any grave objection in principle to the addition to taxation whereby you propose in your despatch No. 392 of the 15th of October, that this net loss should be made good."

It appears, sir, from what I can gather from the despatches, which I quote from the Sessional Papers, that it has been held that there would be or probably might be a saving of some R400,000 if the tax were abolished. In last year's Supply Bill there was a saving shown of R87,890, but

when the Sub-Committee on the Supply Bill brought up that Bill they remarked :—

"In an appendix (A) are shewn the various items which have disappeared from the estimates in consequence of the abolition of the Grain Tax, about to come into operation on the 1st January 1893, these items amount to the sum of R87,890. The Sub-Committee express a hope that it may be possible hereafter still further to reduce the estimates on this account, and they desire to impress upon the Government the desirability of seizing every opportunity of revising the Provincial Establishments so as to retain a staff strictly proportionate to the reduced duty which will in future devolve on the Government Agents Department."

That, sir, was signed by the whole of the Sub-Committee including the hon. the Acting Colonial Secretary, the Auditor-General, the Acting Treasurer, and the Collector of Customs.

H. E. the Lieut.-Governor—The Acting Colonial Secretary ?

The Hon. L. H. Kelly.—It is signed by Mr. Swettenham, who was then Acting Colonial Secretary.

H. E. the Lieut.-Governor :—In November 1892 ?

The Hon. L. H. Kelly :—The Report of the Committee on the Supply Bill for 1893.

H. E. the Lieut.-Governor :—It is immaterial, but I took part in all the deliberations of the Committee with the exception of one meeting.

H. E. the Governor :—Sir Edward Walker was present at the time the Sub-Committee was sitting.

The Hon. L. H. Kelly :—But he was acting Governor then.

H. E. the Governor was understood to indicate by shaking his head that that was not so.

The Hon. L. H. Kelly continuing :—It is not, sir, for the unofficial members of this Council to point out where these reductions should be made, and that is why we ask for a Committee or Commission to inquire. As I said at the outset of my remarks I have not in bringing forward this motion the slightest intention of passing any unfair criticism upon the Service; but the feeling amongst the unofficials is that there can be a considerable reduction, while at the same time the posts may be made more valuable. If we go back, to the time of Sir Charles Peter Layard, he was able to administer the whole of the Western Province with Sabaragamuwa included, without Assistants as there are now at Kalutara and Negombo, and also to take charge of Colombo Municipality. Then again we have the case of the late lamented Surveyor General, Col. Clarke, who acted not only as Surveyor-General, but manager of the Railway and head of the Forest Department. On another occasion we have had the Chief Resident Engineer with the immense amount of work which he has on his shoulders, acting also as General Manager of the Railway, and we are constantly having the Principal Collector of Customs acting as Treasurer as well. I do not say, sir, that on that account it necessarily follows that men are to do more work than they can manage, but I do say that there are many appointments which might I think, with due consideration given be done away with. I must say myself that I think the number of Government Agencies in this colony is very disproportionate to the amount of work, or the population or the revenue of the Colony. Taking for instance the Revenue and Expenditure of the Western Province in the years 1881 and 1891 you will see that in 1881 the Expenditure was R382,925; and in 1891 R287,608 which with that of the Sabaragamuwa Province added to it R142,507 amounted to R420,215—an excess in 1891 over 1881 of R37,290 while the net revenue over the Expenditure shows in 1881 R1,414,394 and in 1891 including the revenue of Sabaragamuwa R1,491,344, showing an increase in the revenue in ten years of only R76,950 compared with increase in the expenditure of R37,290. But then you must take into consideration the immense growth of the Port with its Customs and dues which in 1891 amounted to R28 534 while in 1881 dues and Customs had been only R15,376, that of 1891 being R13,518 in excess of 1881. Then again one thing which tended very vastly to help the revenue was that the arrack rents increased in 1891 over 1881 by R211,704 which added to the Customs brought up the total to R224,862, so that really the increase of R76,950 was not brought about by provincial administration but by arrack rents and harbour dues and Customs duties. I know it has been said with regard to the Western Province that in the days of Sir C. P. Layard there was no Kelani or Kalutara Valley. That is perfectly true, but the expansion of that description of agriculture, tea, does not throw much work upon the Kachcheries in the island beyond, possibly, the collecting of the Medical Aid Assessment, the accounts of which I understand are not even kept at the Kachcheries. Now let us take for instance the figures for the Madras Presidency with an area of 142,000 square miles, of a population of some 36 millions and a revenue of 120 million rupees and having 158 Covenanted Civil Servants. In Ceylon with an area of 25,000 square miles, a population of about 3 millions and a revenue of 18½ millions, we have 83 Civil Servants to look after about one-twelfth of the population of that of Madras and a very small proportion of the revenue. Another point also which must not be lost sight of is that the improved means of communication must render the administration of the provinces much easier than before, or at any rate of those Provinces where the communication has been improved. It is possible that I shall also be told that the new arrangement with regard to the police has thrown a great deal of work on the Government Agents. But, sir, I conclude all this was thought before the dispatches were written to the Secretary of of State for the Colonies. I must say for myself from my experience of the working of the new arrangement with regard to the police that it is a great mistake. My own opinion is that there is a great deal too much centralisation in the working of this colony—a great deal too much gathering up everything into one point. You cannot get a sheet of paper or a piece of red-tape without going through a dozen departments. If a little more decentralisation were practised, each man acting as the responsible head of his department, and that is the view which has been held by much more able men than myself, like Sir John Dickson and Mr. O'Brien and others—I think, sir, that what I am aiming at might be brought about. I trust the Government will accept the motion in the spirit in which I have made it. As I have said I have not the slightest intention of carping in any way at the Civil Service in any way; but I feel certain that the time will come very shortly when there will be a movement made for an increase of salaries owing to the depreciation of the rupee, and the only way that we can grant that increase will be by a reduction of offices. While seeking to place the administration of the provinces on the most efficient footing and at the same time guarding carefully the revenue of the colony a large saving may be affected, and we shall be able to increase the salaries of the officers who no doubt richly deserve it.

The Hon. W. W. Mitchell :—Sir, I beg to second the motion. When I asked at the close of last session, a few weeks ago, if it was the

intention of Government to effect any retrenchment in the expenditure connected with the Government Agencies, I was answered in the negative. It has therefore become necessary to take some other steps to press this matter upon the Government. The subject of the reduction of the number of Agencies and generally the expenditure connected with them has been before the Government on previous occasions. When the Select Committee of the Legislative Council was appointed—it was known as the Retrenchment Committee—in 1883 the Government Agent of the Western Province stated in connection with the proposal to reduce the number of agencies :—

"Concerning the recommendation with regard to the Provincial Agencies I need only say that I am in favour of further amalgamation than is proposed in the report. I consider it quite practicable to reduce the number of provincial agencies to 5 and possibly to 3 hereafter."

The report of the Committee on the Supply Bill of 1893 brought forward in 1892 has been referred to already by the hon. the mover. On the introduction of the Supply Bill in 1892 the hon. the Colonial Secretary said :—

"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 staff until only a sufficient number of officers is left to deal with the work that may 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."

The schedule attached to the Supply Committee's report has also been referred to already. Upon that Report in Committee I remarked that :—

"The amount we were led to expect in the shape of saving was certainly a great deal more than appears in the appendix. In your Excellency's Despatch of 6th May 1891 you stated that the sum of R65,000 which is the salary to the Grain Commissioner and Collector's 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."

In Your Excellency's Despatch of 6th May 1891 you stated :—

"The time of the Government Agents and of their staff is largely occupied by the complicated transactions and the elaborate records of accounts of the paddy tax collection. There is no doubt that a reduction might be made in establishments of the paddy tax no longer existed."

A year has elapsed, and as far as I know there is no further promise of reduction. We do not expect that the reduction would take immediate effect as regards the holders of offices of course. Vested interests would unquestionably not be interfered with. But I would ask—why go and get out Cadets when we have difficulty in finding posts for the men we have at present? From a return which I have before me from the end of 1891 to March 1893 I see that 6 new Cadets have been appointed. It appears to me, sir, that in these times we are over governed, and if this colony were annexed to India, which I would be sorry indeed to see, I have no doubt the Civil Service would be reduced by one-half. I should say let us have fewer men but pay them better. We shall be told that the reorganization of the police has given Government Agents much more work to do, but I think it is beginning to be pretty generally felt that that scheme is not a success and that sooner or later it will have to be abandoned. I cannot see how a scheme of that kind is to work where the Government Agent is made the responsible head of a province and has to be on circuit very frequently. In his absence matters relating to the police must in my opinion almost come to a standstill. As has been said it is a difficult matter for unofficials to indicate what reductions might be made ; it is much easier for officials to do that ; but the unofficials I am sure will gladly lend all the assistance they possibly can to the Government if a Committee of Inquiry is appointed as has been proposed in the motion with regard to the important question that has been raised.

The Hon. M. C. Abdul Rahiman :—Sir, I as an unofficial member, must seek reduction in the public expenditure without any injury to the welfare of the colony. Since the abolition of the paddy tax, the Government Agents must have been relieved to some extent of burdensome duties imposed upon them. Sir, I have been born and bred in the island and have some experience of the country as well as of its people, who want everything in their own way, and are not easily content. I also every now and then hear that the public officers are delaying in executing their routine works, but whether such delays are for want of more hands or otherwise I cannot say. The present set of officers who are connected with the agency departments are well trained and experienced gentlemen, and it is a great credit to the colony that they possess such officers. The present state of the rupee currency very much affects the salaries of the Civil Servants of the colony, particularly those who have the misfortune to remit home. Therefore the Ceylon Civil Service at home is not eagerly sought as a source of remuneration to Europeans. In the way of economy some one says that the colony could be governed without an expensive staff, and the army could be controlled without a commander. And another way of saving is to annex with India. The taxpayers say that there are too many taxes. How are we to meet all these arguments ? When a critical time is approached, all will say imprudently managed. Sir, once our colony tasted the bitter aspect and old as we are are still making new experiments. The existing nine provincial agents and their assistants have not only to attend to revenue collections, but they are burdened with various other duties to be coped with in connection with over three million persons, mostly ignorant natives. There is too much to detail at present in the duties developed upon the agents. The agents have to perform everything connected with their provinces. An agent is a schoolmaster, a policeman, as well as a magistrate, a clergyman and a judge of the divorce court. Among the revenue collections, one in particular, the paddy tax collection, takes up a very considerable part of their time. By this obnoxious tax being also abolished the duties of the agents may have been relieved to a certain extent, but still there are very many other duties devolved on the agencies. It is undeniable that our colony is expanding, but still there are remote quarters and very many new undertakings and improvements are very urgently required for the benefit of the inhabitants as well as the general prosperity of

the island, I have seen the return of revenue and expenditures of several Government Agents and their assistants during the last year. Some of the provinces are working at a loss, including the paddy tax collections; and I am afraid during this year, without the paddy tax collections, it will be worse, and likely to affect some other provinces too. However, the loss sustained by the paddy tax abolition may be made good by other sources. There are large areas of populated land still without proper attention and the natives take the law into their own hands, owing to the long distances they have to go to Court-houses to seek redress. Additional police courts and enlarged regular police limits and increased village tribunals would be beneficial to the native population. If the Government are willing to make any alteration in the Provincial Agencies, the only thing I can see is to amalgamate the services with judicial duties. With these remarks, I beg to support the motion of the hon. member for the Planting Community.

THE HON. the AUDITOR-GENERAL:—Sir, I think I may assure the hon. the planting member that it has always been your Excellency's object and the object of the Government to reduce expenditure wherever expenditure could be legitimately reduced, even though it involved the suppression of offices. That policy has been carried out on every possible opportunity up to the present time. I had the honor of laying before the Council last year a return which showed that retrenchment to the amount of over R80,000 had been already exercised by the Government in anticipation of the Supply Bill for the present year 1893. Since then the Government has continued in the same path and the Government will continue wherever a suitable opportunity occurs to consider whether retrenchment can be exercised in the administration of the country. With regard to the motion as it comes before us today which does not tally quite with the printed motion, our experience, sir, of Retrenchment Committees has been that they are not perhaps the best means of working out practical solutions to such questions. The Report of the Committee of 1883-84 has been quoted, and I may remind the Council that though a great many proposals for retrenchment were proposed in the report of that Commission only two or three out of twenty or thirty were actually carried into practice, administrative reasons preventing the others from being carried out. In the same way I am afraid that if we had a Commission without the practical experience which is necessary in the technical affairs of the Kachcheri, it would not be able to give that practical advice which is necessary to enable Government to decide whether or not a particular retrenchment should be carried out. Retrenchment of this kind is a matter that only skilled officers can deal with, and even amongst skilled officers a great diversity of opinion would be noticed. In the Committee of 1883 there was a great diversity of opinion even amongst skilled officers as to what should be done, and the result was that practically very little was done. The hon. the mover made a comparison between the Revenue of the Western Province in 1881 and the districts which had composed that Province in 1891. He admitted there had been the very substantial increase in Revenue of R76,000 but he proceeded to assert that the increase was not so great as it might have been, and also that the increase had been purchased by a considerable excess of expenditure. I admit both facts. There is no doubt that the increase might have been greater and that the increase has been purchased by increased expenditure. The Government finds itself face to face yearly,—I might say monthly and daily—with large demands from the public, and I may remind hon. members that the establishing of the two Assistant Agencies at Kalutara and Negombo was done in consequence of public demand. It was represented that it was too far to the principal Kachcheri, and that the people of both these towns required a local kachcheri, and it was only right that the Government should accede to the just demand of the public. That demand was ratified by this Council, and I have never yet heard it questioned except with regard to one Agency, and the Committee of 1883-84 were not unanimous with regard to abolishing either Agency. With regard to the comparison drawn between the cost of administration in Ceylon and that in Madras a comparison of that kind can be made to prove anything. If instead of choosing Madras we should choose Hongkong or Mauritius and compare the number of persons employed by Government in either, with the number employed by the Government of Ceylon and followed the comparison in regard to the number of inhabitants, revenue and territorial area it would be found that Hongkong and Mauritius were administered at a cost five or six times as much as Ceylon. There is no doubt that the smaller the place the more expensive the administration. If the Presidency of Madras were ten times the size it is, even Madras itself would be administered at perhaps half the cost of its present administration. Such comparisons can always be replied to by counter comparisons. Something has been said about the development of the Port of Colombo and of the Customs as a reason for the present increase in the revenue of the Western Province when compared with the revenue of the same territory in 1881. It is difficult to see sir, how the Customs has been mentioned in connection with this, because the only Customs which are brought to account as being provincial revenue are the Customs of Kalutara and Negombo, and if the port of Colombo has any effect at all it is to diminish the revenue at these places by withdrawing the trade from there to itself.

The Hon. Mr. KELLY:—I was speaking of the revenue of the province.

The Hon. the AUDITOR-GENERAL:—I too was speaking of the revenue of the province, and I was saying that the only Customs taken to account were those collected at Kalutara and Negombo, and that affords a very good reason why the increase at the port of Colombo should not be considered in dealing with the provincial revenue. The hon. the Muhammadan representative has pointed out that there are places in Ceylon which cry out for more and better administration, and that affords no reason whatever for reducing the number of officers, but rather, if it does anything affords a reason for increasing them. This is a cry which leads to the multiplication of officers. Somebody points out that a district has been exceedingly neglected. The result is that attention is drawn to that district, and when it is found that there has not been a sufficient amount of supervision the Government are pressed to appoint an another officer. I need hardly say that every officer has been appointed with—that the creation of no new post has taken place without—the full consent of this Council. The multiplication of Agencies of which we hear so much took place with the full approbation of this Council, and the officers have been appointed on the votes made in this very Chamber. The hon. the Planting Member also referred to the large increase in the value of the arrack rents. I have to point out that the whole

of the arrack revenue is a matter which does not manage itself but requires very careful supervision on the part of Governmant generally; it causes a good deal of trouble both to Government Agents and subordinate officers; it causes some trouble even to the Executive offi[illegible]s of the Central Government. The hon. member also stated that since 1881 two planting districts had been added to the Western Province, but there was no reason why there should be an increase of establishments. That would be perfectly true if the planting districts created not additional correspondence, attention or trouble. There are two Government Agents in this Council who can give perhaps better information than I can, but I believe the experience of Agents is that when a planting district is opened in any province it involves a very considerable amount of increased work in the local kachcheri.

The Hon. the Government Agent, C. P.:—With the permission of Your Excellency and the Council, I desire to point out to the hon. member, who represents the Planting community and who is the mover of this motion, that a Government Agent is not a mere tax-collector. If he were it would hardly be necessary that he should be paid the salary he is. His duties are rather those of an administrator. I do not propose to weary the Council with an elaborate catalogue of the daily duties of a Government Agent, but I may point out that he is required to report to and advise the Central Government upon almost every question that is raised, whether it is a new work, a new road, or a new law; he, in fact, in a manner, stands between the people of his Province and the Central Government, and every resident in his Province, whether he be European or native, considers (and I do not say unreasonably considers) that he is entitled to the time of the Government Agent. It is the Government Agent's business, assuming that two planting districts fall out as to the exact site of a hospital which is intended to serve both districts, to go and if possible arrange a *modus vivendi* between these two; he is required to inquire into and settle claims to land; he is even required to settle private differences between natives in respect to land in his district; he is required to marry them and to divorce them, and is required to see that they register the births of their children and the deaths of their mothers; and, in fact so far as I know—and I have been a Government Agent for some years and a revenue officer for the last 25 years—in a native district nothing can go on without the Government Agent. So far as the collection of the Paddy Tax is concerned, I would point out that the officers who have really been relieved are the Koralas and the Vidana Arachchies, who received no salary, and at the present day no remuneration of any kind. In that respect, therefore, it would be impossible, to show any greater saving than has been shewn by striking out from the estimates the commission that is paid for the actual collection of the tax. As regards the recently-arranged system of police administration that may or may not be a success (it is not for me to say); but so long as that system is in force undoubtedly it throws a great deal more work on the Government Agent—certainly far more work than the Paddy Tax ever threw upon him. Any man whose fowl-yard is robbed or garden produce is stolen, writes at once to the Government Agent, or if he complains to the police the reply is that the Government Agent is in charge of the Police of the Province. Such letters have to be answered and complaints inquired into, and it is almost needless to point out to the Council the enormous amount of work which these petty details involve. The hon. member for the planting community has urged decentralisation as opposed to centralisation. That may or may not be a step in the right direction, but it is a move which cannot be made without very elaborate arrangements, and without in fact entirely re-casting the entire administration of the provinces.

The Hon. the Acting Government Agent, W.P.:—Sir, I did not come prepared today to make a speech on this subject, else I might have submitted figures to answer the hon. member, but the Hon. the Auditor-General has, I think, disposed of most of the points raised, and I would only refer to some of the increased duties that have fallen on Government Agents and some of which have been mentioned by my hon. friend opposite (the Hon. the Government Agent C.P.). Before, however, proceeding to that detail, I wish to correct what I consider to be a mistake made by the hon. mover in his comparison between the number of Civil Servants in Madras and the number of Civil Servants in Ceylon. The hon. member is probably not aware that in Madras there is a large body of uncovenanted Civil Servants, some of them Europeans, many of them natives of high standing, and all of them receiving salaries which are fully equivalent to those paid to 50 per cent. of the Ceylon Civil Servants. For instance, one whom I met at Madura once was a Brahmin in receipt of a salary of R600 a month, and who would in Ceylon be classed as a civilian. As regards the Western Province and the comparison that has been made between the administration as under Sir Chas. Peter Layard and as at present, the colony has been going ahead since that time, and the Government Agent of the Western Province, now in common with the Government Agents of the other provinces, is charged with many duties which did not exist formerly. For instance, there were no village tribunals then, or if there were, they were in their infancy at that time. Since then they had developed very largely and the Government Agents have a great deal to do in looking after them. In addition to communal work the Government Agent has also a good deal to do under the Road Ordinance and as Chairman of the Road Committee in dealing with defaulters. Then again great progress has been made in irrigation since it was started by Sir Hercules Robinson, and we have to see that the water rate comes in properly—a point to which the Council attaches considerable importance. I sincerely trust that whatever the policy of the Government may be, it may not be in a direction which will reduce the labours of Government Agents in regard to irrigation. The opening of planting districts also certainly do add to the work of Government Agents, more so I believe in the case of a lowcountry than an upcountry district. In an upcountry district the land which planters desire to have is generally blocks of forest and there is little to do beyond applying for a survey and putting the blocks up for sale. In a lowcountry district we have a great many questions to consider, and whether the land can be given with due regard to the native population in the neighbourhood. At the present moment I have three cases which have given me some work and will give me more work. I would also point out that this Council passes a considerable number of Ordinances every year, and in the majority of them the Government Agent is named as the proper authority. It is to him that the

Government looks to carry out the Ordinances and see that they are duly observed. Before I sit down I should also like to correct a mistake of the hon. seconder of the motion in thinking that when the Government Agent goes out on circuit his work is at a standstill. He is never so far away but that his papers can be sent to him; and it is not for amusement that he goes, but to meet the people on the spot and settle many of those disputes between villagers, which, while they may be of small importance to us, are of pressing importance in the everyday life of our humbler villagers.

The Hon. Mr. Mitchell :—I did not say the work of the Kachcheries was at a standstill, but the work connected with the police organization.

The Hon. Dr. Anthonisz :—Sir, this motion may be considered in two ways—one as a reduction in the cost of establishments in Provinces, and the other, that the report from His Excellency the Governor on abolishing the paddy tax justifies a reduction in the cost of establishments in the island. With regard to the first part of the motion I am given to understand that there has been a reduction, as we all know, in abolishing the office of Grain Commissioners with their staff and also clerks and others employed at the Kachcheries in connection with the paddy tax. Some of the latter officers have been reappointed as Headmen of districts. From this it appears that a reduction has been made in Establishments, but to what extent or whether as great as has been anticipated by the public I am unable to say. By telegraph communication Headquarters are brought near to district stations, and also by railway extension, and therefore it may be possible to lessen the cost of establishments in Provinces. The second part of the motion is that "His Excellency's report on abolishing the Paddy tax justifies a reduction in the cost of establishments in the island." Here, sir, I may remark that we have more generals in our civil establishments than soldiers. An amalgamation of some of the offices may be desirable. To my knowledge there was a time when the iron road and the metalled roads were under one head, Sir G. Molesworth. During this period I do not remember hearing of any complaints; and the late Sir Wm. Gregory in one of his speeches spoke well of Sir G. Molesworth. Our much lamented and worthy member, the Hon. Colonel Clarke, had charge of other departments besides his own, and during the time he administered them there was not a murmur heard. From this fact it appears that a conbination of officers is possible and may be advantageous to the taxpayer. The subject of this motion has to be carefully considered by Government, and whatever is done it should be gradual and steady, depending on the state of the revenue and the wants and improvements connected with the requirements of the age. This, sir, as we all know is a country where there is taxation without representation, and therefore I think (I do not know whether I am right in saying so) that a good number of persons belonging to the country, and those who have made this their home, should take a share in the Government of the country, and this could only be done by holding appointments under Government. To have a number of persons unconnected with the country, like birds of passage to reside in the colony only for a time, and to have the ear of the Government may lead to dissatisfaction among the people as persons unconnected with the country may encourage direct taxes to be imposed, causing misery to people and expense to Government in collecting them, and may favor indirect taxes which no one feels, and which every one pays his share without feeling, to be removed, without much consideration, for the convenience of a few. With these remarks I have much pleasure in supporting the motion.

The Hon. A. De A. Seneviratne :—Sir, when the Grain Ordinance was in operation it was undoubtedly the belief of a large number of people that the time of the Government Agents was mostly taken up in the collection of the revenue under that Ordinance, and therefore it was expected that when the Ordinance was abolished the work of the Government Agents would be very much reduced. We have today, however, heard the Government Agents of the Western and Central Provinces speak on this matter and detail the work that a Government Agent is expected to do—how he is expected to marry persons, to register births, to see that persons are buried, and similar duties; but I think the hon. the Government Agent for the Central Province has himself given a very good answer to the objection raised by himself and the hon. the Government Agent for the Western Province. He said that when the Government Agent is away from the Kachcheri work does not stand still; his papers are sent to him and his work follows him. The fact of the matter is that the Government Agent is so well supported by his staff of subordinates that the work cannot stand still. A point to consider then would be whether under scheme of retrenchment subordinates cannot be secured who will see that the work is as efficiently done as it is now when the Government Agent is away from the Kachcheri. That is really the question that the unofficials desire the Government to consider. My own idea when this motion was submitted was that it would strengthen the hands of Government in reducing expenditure (Hear, hear). The references made to the Despatches by the Secretary of State and by Your Excellency led me to suppose that we would be strengthening Your Excellency's hands if we asked for a Committee or Commission who would indicate in what way expenditure could be reduced. That is all we ask now, and I would submit that the granting of this motion in no way reflects upon the work of the Government Agents. It rather shows what confidence we have in the Government Agents when we ask the Government to believe as we do that they are working so efficiently in their own provinces that they will be able to look after other districts which may be added to their jurisdiction. It has been pointed out that one gentleman sometime ago was able not only to look after the Western Province as it is at present as well as Sabaragamuwa, which has now been separated from it, but to act as Chairman of the Colombo Municipality which has now a separate Chairman drawing a rather high salary. The Government Agent of the Western Province is certainly not burdened with these duties now, nor is he distracted by the Councillors so to speak (Laughter). Some Councillors do give a little trouble to the Chairman—some Chairmen at least (A Laughter.) Well, then, if one gentleman could have looked after the Western Province and the Province of Sabaragamuwa, and also seen that the work of the Municipal Council of Colombo was properly administered, it is surely not too much to expect at the present day that the Government Agent of the Western Province could look after Sabaragamuwa as well. As has been explained, it was not expected that the proposed reduction could take place at once. It was only hoped that gradually the Government might see its way to reduce the number of agencies, that being one of the ways in which it was thought expenditure might be reduced. A hint has also been thrown out as to reduction in another direction. A large number

of gentlemen are admitted to the Civil Service every year. Could not the number be limited? Instead of admitting every year four or five or six would it not be sufficient if only one or two were admitted? Could not men born and trained in the country be employed in the subordinate posts? Have the Government not reason to place sufficient confidence in the people that are trained in this country; to believe in fact that, if they are placed under efficient Government Agents they are capable of doing really good work. It is in that direction that expenditure might be reduced. Such men do not expect such large pay as gentlemen who have to pass severe examinations in order to enter the Civil Service. Why not employ these men if they can do the work? It is not really ability to pass an examination but to do the work that is wanted. A man may pass a high examination and yet prove an inefficient officer, and on the other hand a man may not pass any examination and yet prove very efficient. Of course examination is a test of efficiency and that is the only test now, but at the same time Government have been able from time to time to select men who are capable of doing certain kinds of work, and if a Commission or Committee were appointed it would be for that body to say whether it is possible to have fewer men in the Civil Service but really efficient men who could supervise the several provinces, and a large number of subordinates from amongst the men who have been trained in this country and who do not expect to be paid so highly. The result of that would be that the fewer men in the Civil Service would get really good salaries and there would be no necessity for going to the Central Government and asking them to fix the value of the rupee or anything else as regards their remittances home. That is a point we would like Government to consider, and I do hope that this motion will be granted, for by so doing no reflection will be cast upon the Civil Servants of the present day. It is in consequence of the confidence we place in these Civil Servants—it is in consequence of the high opinion we entertain of their capability to administer larger provinces than they have at present that this motion has been placed before the Council.

H. E. the LIEUT.-GOVERNOR:—I would beg leave, sir, to assure the hon. mover that I, and I think I may say so on behalf of the Government, accept his motion quite in the spirit in which he offers it. I believe, sir, from what he and others have said that there underlies it the desire not so much to obtain a reduction as to do a generous act to the Public Service. On that ground sir, I most thoroughly appreciate the motives of the hon member which I believe are more pronounced in that direction than he has expressed today. I think the hon gentlemen and others who spoke have furnished a very strong reason against the appointment of this Committee. The hon member admits, and it was repeated by other members that the unofficial members are not in a position to say what reductions should be made. Well, sir, that being the position why can they not trust the Governor and the officers who work with the Governor and who do know something about this question and how reductions properly can be effected—why not leave them to continue to carry out reductions as they have already done with some success. I say sir, that they have done so with some success because, as the Auditor-General pointed out, in the statement which was appended to the report of the Sub-Committee on the Supply Bill last year it was shown that a sum of R87,890 had been saved in that year—nearly 13 per cent of the whole provincial administration. The hon. member talks of a saving of R400,000. That would be two-thirds very nearly of what the establishment was in 1892, that is that the establishment is to be carried on for about one-third of what it had been carried on for previously. I found it practically impossible to follow the hon member in his statistics, and I daresay in any explanation I should attempt to make hon. members would be equally unsuccessful in following what I might say. There can be no one in this Council more anxious to secure reduction than the Governor of the Colony. Clamorous applications are made to him from every community in the island for objects on which to spend money, objects which are exceedingly desirable to attain, and objects which the Governor would certainly wish to carry out; and from that motive and that motive alone no one could be more anxious than those responsible for the conduct of the Government to secure reductions in order to be able to carry out these very desirable objects. I think there has been a considerable amount of misunderstanding as to what the employment of a Government Agent is. The hon member for the Central Province and the hon gentleman who is the agent for the Southern Province have endeavoured to point out that their duties were multifarious, and I am perfectly satisfied, sir, that the hon. gentleman who has moved this resolution has not the slightest idea of what the duties of a Government Agent are. The hon. gentleman smiles sir, but I would ask if he has ever read a Government Agent's Diary or seen what his daily life is. I admit, sir, that Government is to some extent responsible for the misunderstanding. They have always spoken of a Government Agent as a revenue officer, and the impression has been given that he has had nothing to do but collect the paddy tax. I have been assured by Government Agents with whom I have conversed that only a small portion of their time has been so taken up. I think a Government Agent's Diary records fairly and fully his daily experiences and doings, and gives a very fair idea of his multifarious duties, and I feel persuaded, sir, that if the hon. the Planting member would read a Government Agent's Diary for a year he would change his views as to what the duties of such an officer are. One branch of the duty of Government Agents to which the hon. the Agent for the Western Province has referred is that in connection with village tribunals. I believe, sir, that village tribunals are capable of exercising a most beneficial power in the country, but sir, at the same time they are capable of being made the engines of great oppression, and unless they are closely supervised and watched by the Government Agents, there is a strong apprehension that such things may occur. Besides reminding hon. members that the Governor and his advisers are anxious to continue the work of reduction where possible which they have been carrying on I would ask them to reflect as to their own experience of Commissions here or elsewhere. Reference has been made by the Hon. the Auditor-General and other members to the Commission of 1883. My own impression is that we have retraced our steps on three or four recommendations with the full concurrence of this Council, and I do not think the Council would now wish to go back. Hon members have also referred to the occasional combination of offices and reasoned from that, that if, for instance, the Chief Resident Engineer can act as General Manager of the Railway why not get rid of one altogether. My answer to that is that the Governor has never sanctioned such an arrangement if anything else is possible. I am prepared to stake my reputation that the

Governor has placed on record his objection to it, but he has been compelled to do it in order to allow the officer to get away. In the case referred to of the General Manager and Chief Resident Engineer, it worked so unsatisfactorily that I predict that certainly in the time of those responsible for such arrangements it will never be repeated. The case of the late Col. Clarke has also been referred to. The statement has been made and repeated here t day that he held at one time three offices. That is not the case. It is true that the Surveyor-General has always had most able assistants, and none more able than the chief assistant who is now holding the chief office, and it has therefore been quite possible for him in that position to allow his own primary work to slide a little and to take up other work as the late Col. Clarke did and did very efficiently when he took charge of the general management of the Government Railway. But I say sir that it is unfair to deduce from those necessities to which the Governor has been driven with great pressure, that the service is overmanned and that the number might be reduced. It might as well be said, sir, that if the hon. member went home to England and left his *sinna durai* in charge of his estate, therefore he was of no use on his estate. (Laughter.) Comparison has been made with Madras, Well, I should like to ask hon. members what they know about Madras. I should start by saying that I know nothing at all about it. But I would invite any member of the Planting Community to go over for a short residence under the Government of Madras and find whether he gets as much attention from that Government as he receives in this Colony. One thing which occurs to me in this connection is the case of immigrating coolies. On the Ceylon side of his journey he has a halting bungalow every 14 miles or so, a hospital every 28 miles or less, and medical officers and patrols along the route. During an epidemic of cholera there are men ready to pick the men up and carry them to a safe place; but across the Paumben Channel, when he gets to his own country in Madras, to the condition of which the hon. member would wish to bring Ceylon, nothing whatever is done for the poor cooly. I do not say this as a reflection on the Indian Government. The system is perfectly different; but I claim, sir, that the Government supported by the Legislature of Ceylon do much more for the natives than the Government of India do for theirs. Allusion has been made, sir, to the circumstance that a former Government Agent who recently passed away to the regret of all who knew him, was able to act as Government Agent of the Western Province and Chairman of the Municipal Council without an Assistant Agent at Kalutara or Negombo. I am sure I shall not be suspected of casting any reflection upon that much-respected officer when I state that a generation has passed away since then, and that the conditions of the administration have totally changed. My own experience is, and I am sure it is the experience of others who have arrived at my time of life, that the older men under whom they served their apprenticeship did not work and were not expected to work the full day's measure that is now given by high officials. I say this from personal experience of my own apprenticeship, and I can confidently challenge those of my own contemporaries that their experience must be the same. The works of the country are increasing, and every additional million of rupees of revenue to be administered means additional duty to every executive officer. It has been said that no great additional duty was cast on the Goverment Agents by Planters settling down in the Kelani District. Well the correspondence in my office shows a rather different state of affairs; and I think the Government Agent of the Central Province, who is so frequently brought into communication with planters will support me in saying that his duty in attending to their wants makes a very considerable call upon his time. It is only proper that it should, and I hope it will long continue as being one of the indications of the growing prosperity of the island. The hon. member for the Sinhalese community has made allusion to the number of Cadets. Well, sir, on that point I have a grievance, and that is that I can never keep a Cadet. There is one at present, but he has been torn in two by two clamorous Agents both of whom desire his services. He has been away from me for a considerable time, and I understand that he is shortly to be moved again. The Cadets are absorbed by appointments and the holder of the chief office in the Colony can never keep one. While on this subject of Cadets I would say in regard to what has fallen from the hon. member opposite (the Sinhalese member) that I feel sure that in the extent to which we have gone in establishing the Lower Division of the Civil Service we have gone as far as any native gentlemen to whatever race he belongs would wish that we should go. A point about which there seems to be some misunderstanding is as to the police work of a Government Agent, but really all that has been done was to make the Government Agent the immediate chief within his own Province. That is a measure of decentralisation which we have lately adopted, and which I understand the hon. mover to advocate. With regard to the arguments of the hon. the Mohammadan member, these are entirely against the resolution of the planting member. The statement has been quoted of an honourable colleague whom I respect very much and to whom I have frequently gone for information for which I am much indebted. That hon. gentlemen has expressed the opinion which has been quoted here today—and certainly from his experience his opinions are entitled to weight—that we should have larger provinces and fewer officers. Succeeding Governors and Secretaries of State have decided against that opinion, and it must be regarded as the settled policy of this Government that they do not approve larger areas which would be tantamount to the introduction here of the Indian system. I claim again just now that much greater care and attention is bestowed by the officers of the Government on the members of this Colony than is given in India. The hon member, the Government Agent for the Western Province, who has had an opportunity of looking into the subject in India has indicated in his remarks on the comparison that has been made, that if an analysis were made it would result in showing that we are not expensively administered here. With regard to the utility of the Commission we might look at it in the light of experience in other Colonies. A most distinguished officer went out to Mauritius about 20 years ago. I forget how long he stayed in the colony, certainly several months, and he drew up a report of 800 pages, and I know that within a very recent time not one of the recommendation had been carried out. Then again in my own experience in the colony of Jamaica a Commission was sent out consisting of a Colonel of Royal Engineers and a distinguished colonist, both members of Parliament and both very capable men. Associated with another they went out to report on the West Indies, and I believe I am the only individual who derived any benefit from their

report. That report led to a slight change in the constitution of the colony, but I never found any one in the colony under the new constitution which I assisted in inaugurating who has admitted the success of that change in the constitution. That Commission who roamed all over the West Indies made a report which was very interesting, but at the cost of a great deal of money, and as I say I believe I am the only one who benefited from it in the way of official promotion. Now, sir, I come back to the point with which I started that the unofficial members are not in a position to point out where reduction might be made.

The Hon. MR KELLY :—I did not say that, sir, but that it was not our position to dictate or point it out.

H. E. the LIEUT.-GOVERNOR :—I assure the hon. member that I would receive his suggestions with the greatest cordiality, and I am sure that every member of the Government would give them every consideration. If the hon. member is in a position to make suggestions he has done himself, the Council, and the public a very great injustice in not stating them. But sir if the hon. member himself has not stated it, I am justified in stating for him that he cannot suggest anything. It being the case that the hon. members cannot suggest a reduction, surely they can trust the Governor who has given an earnest of his mind in the reductions he has already made and than whom no one can have a greater desire to make money available for every desirable purpose. Surely they can trust him and leave him with his responsible official advisers to carry out any possible reduction. I am sure that any Commission or Committee would merely have their time wasted and expend a great deal of money which would be quite incommensurate with any recommendation for reduction they could make.

H. E. the GOVERNOR :—Before the division is taken does the hon. mover wish to reply?

The Hon. L. H. KELLY :—Yes sir. In reply to what has fallen from the hon. the Auditor-General I may state that the figures I have quoted are taken from the Administration Reports, and as to the parallel I have drawn between Madras and Ceylon I chose Madras, because it is the nearest parallel to us in almost every way. Sir, the official members have taken up a considerable portion of the time of this Council in trying to point out the uselessness and expense of a Commission, and the hon. the Colonial Secretary has said that the mover of this resolution cannot suggest any reduction, and that therefore it is a pity that he should have brought forward the matter. The Commission or Committee I speak for has no parallel with the Commissions or Committees in Jamaica and Mauritius which has been instanced by the hon. the Colonial Secretary. I am not asking for a Commission of persons who know nothing about the country to go and write 800 pages of a Report. What I am asking, sir, is that gentlemen of this Civil Service who know so much about the Kachcheries and the country—they may be the Government Agents themselves if necessary—should be appointed along with other gentlemen to go into the question as to whether there is a possibility of reduction. In bringing forward this motion I assure you I was actuated by the desire to do good to the Service (Hear, hear), and notwithstanding what has fallen from the official members in this Council I say with the greatest positiveness that not only do I believe that it would do a great deal of good to the members of the Service, but that I am perfectly certain that there is a strong feeling amongst the Civil Servants—and I had it put before me only as far back as yesterday by a member of the Service—that the carrying out of my proposal would do a great deal of good. I would go even further than that sir, and say that I think from conversations I have had that gentlemen in this room have stretched their own feelings a little in having to speak against the motion which I have brought forward. I do not think that they feel so strongly against it as they have professed themselves today. I would ask the members of Government why they object to a Committee of Inquiry. If their case is so strong that there is no possibility of carrying out my proposal why should they object to it? I should have thought that they would have been only too pleased to come forward at once and appoint a Commission or Committee of Inquiry in order that they might prove what they have laboured so hard today to show. Sir, I must confess—and I do not wish to do it in any unfair spirit—that I brought forward my motion very largely on account of the Despatch in which Your Excellency spoke of the reduction of establishments. I am perfectly aware that there was a saving of some R84,000 last year, but surely, sir, it is a trifling amount. I do not wishto prolong this descussion, but I still adhere to my motion. I feel I have the whole of the unofficial members with me, and I would ask your Excellency before this goes to the vote whether you will not permit the whole of the officials to vote as they think is for the best, instead of simply setting up a wall of officialdom against the unanimous unofficial vote. I very much regret, sir, the fact that two unofficials are not present today, namely the hon. member for the general European community, and the hon. member for the Kandyan community, from the latter of whom I received a letter stating that my motion has his full approval.

H. E. the LIEUT.-GOVERNOR :—Which motion?

The Hon. L. H. KELLY :—My original motion which I think you yourself will admit was rather stronger than the one now before the Council. I regret that I have received a telegram from Mr. Panabokke today expressing his regret that he was unable to attend through illness.

The question was then put with the following result :—

Ayes. (6),	*Noes.* (8.)
The Hon. L. H. Kelly	The Hon. the Principal Collector of Customs
Do P. Coomaraswamy	The Hon. the Surveyor-General
Do Abdul Rahiman	Do the Govt. Agent, C.P.
Do A. de A. Seneviratne	Do the Govt. Agent, W.P.
Do W. W. Mitchell	Do the Treasurer
Do Dr. Anthonisz	Do the Audt.-General
	Do the Attorney-General
	H. E. the Lt. Governor

H. E. the GOVERNOR then announced that the result being Noes 8 and Ayes 6, the motion was rejected.

THE GEMMING AND GAMING ORDINANCES.

The Hon. M. C. ABDUL RAHIMAN had the two following motions on the agenda—(1). For an early amendment of the Gemming Ordinance, No. 5 of 1890.—(2). For an early amendment of the Gaming Ordinance, No. 17 of 1889, to prevent gambling, playing for stakes and betting.

The Hon. the ATTORNEY-GENERAL questioned whether these motions were in order. Only two

classes of bills, he said, can be introduced into this Council. One is a Government bill and the other is a bill which can be introduced after leave has been granted. These motions, if carried, would compel the Government to introduce bills which they had not brought forward or intended to bring forward.

H. E. the GOVERNOR :—It would be competent for the hon. member to introduce a bill.

The Hon. the ATTORNEY-GENERAL :—After leave, but he simply moves for an early amendment of the Ordinances.

H. E. the GOVERNOR :—I would suggest to the hon. member in whose name the two next motions stand that he should amend the terms of his motions so as to bring them into order.

The Hon. the ATTORNEY-GENERAL :—If the hon. member will allow me to advise him he might amend his motions and give notice of motions at next meeting of Council and thus put himself in order.

H. E. the GOVERNOR :—Will that meet the hon. member's views?

The Hon. ABDUL RAHIMAN indicated that it would.

A NEW TOLL.

H. E. the LIEUT.-GOVERNOR :—Of the next resolution which stands in my name there has been due notice and opportunity given for raising objections. I move:—That a toll be established close to the 105th milepost on the road from Matara to Tangalla, between the road leading to Talpawila and the Gansabawa road to Gandara. The toll at Dondra to clear the toll near the 105th milepost, and *vice versa*." I may explain, sir, that it is desired to improve a certain Gansabawa road I think or at any rate a minor road, and if it is improved it will give an opportunity, by making a detour, of passing the present toll at Dondra. The toll is now evaded and if this road is improved it is sure to be still more evaded. It is inconvenient to move the toll at Dondra and this new toll is to intercept the people who go by that line to evade the toll. It will not place a tax on any except possibly a few who live between the 104th and 105th mileposts. I hope I have made the matter clear to hon members. I have had the advantage of a chart of the district which makes it very simple.

The Hon the AUDITOR-GENERAL seconded.

The Hon. A. DE A. SENEVIRATNE asked how far it was from Dondra.

H. E. the LIEUT.-GOVERNOR :—One mile, but if one toll will clear the other, Government will really be a loser by reason of having to keep two toll men.

The Hon. A. DE A. SENEVIRATNE :—The only difficulty that suggests itself to me is that the people living between these two places would have to pay whatever side they wanted to go ; they could not get out of their houses in fact without having to pay toll.

H. E. the LIEUT.-GOVERNOR :—Quite so ; but I think the hon. member who is the Agent for the Southern Province and who has large experience will be able to tell you that there are no people there.

Shortly afterwards, His Excellency again rose and said he understood there were some people in the locality referred to and added :—If the hon member wishes inquiries to be made, I have no objection to the resolution which has been standing over for so long being further postponed. The people who will be affected must be very few, and I daresay they will get a way out by the Gansabawa road.

The Hon. A. DE A. SENEVIRATNE :—I am satisfied with the assurance that there are no people who will be inconvenienced thereby.

THE DESTRUCTION OF BIRDS BEASTS AND FISHES.

The Hon. the GOVERNMENT AGENT, C.P. :—Sir, I beg to move the first reading of "An Ordinance to prevent the wanton destruction of birds, beasts and fishes not indigenous to this Colony." There are gentlemen in Ceylon who are prepared to interest themselves in forming an Acclimalisation Society and endeavouring to introduce into this colony fauna which are not indigenous to it. It is felt, however, that such an attempt would be futile in the absence of protection of such birds, beasts and fishes and the object of this bill is to provide that protection. The bill is one which I submit with full confidence to the Council. The details of the bill are not very elaborate, but if any amendments should suggest themselves to any gentlemen who are better acquainted with the subject than I can claim to be, these suggestions will receive full consideration. I move the first reading.

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

RABIES.

The Hon. the AUDITOR-GENERAL :—Sir, I beg to move the first reading of a Bill entitled "An Ordinance relating to Rabies." Statistics which have been furnished by the Registrar-General show, sir, that there have been the following deaths from rabies in the last five years :—1887, 36, 1888, 51, 1889, 50, 1890, 40, and 1891, 41. Amongst those deaths was one very much to be deplored indeed—that of one who had ever been foremost in assisting every movement for the benefit of his fellow-countrymen, one who had done great good to the community in Ceylon, one whose loss was a public calamity. I mean, of course, the late Mr. De Soysa. Independent of these casualties from rabies there have been, of course, a very large number of which we have no statistics,—cases in which persons have been bitten by animals who were, or were supposed to be, suffering from rabies, and the pain and anxiety which such casualties afford are simply indiscribable. It has, therefore, appeared to Government that it was high time that steps should be taken for making some stringent regulations to prevent this evil. The Government is advised by the medical authorities that the spread of rabies is a matter which is well within control, if proper power is afforded. The existing legislation is comprised in Ordinance 9 of 1842 for the prevention of mischief by dogs. That Ordinance allows the Governor to make regulations to destroy dogs found at large for limited periods of time and practically that is the only legislation on the subject. The time has, therefore, come when more stringent regulations are required, The present Ordinance has been drafted upon the lines of an order in Council issued by the Board of Agriculture in England, dated the 14th October 1892, and it provides for the seizure of all stray dogs, for public notice being given, incases of rabies for immediate action being taken, for regulations being made for the control of dogs, for the destruction of diseased dogs, for penalities for contraventions of the Ordinance, and for all offences being dealt with by the Police Courts. There will be several amendments proposed on the second reading, but at present I move that the bill be read a first time.

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

The Hon. the AUDITOR-GENERAL afterwards intimated that he would take the second reading of the bill at next meeting of Council.

The Hon. the Government Agent, C. P. also intimated at this stage that he would take the second reading of the Ordinance to prevent the wanton destruction of birds, beasts and fishes at next meeting of Council.

THE TRANSIT OF GOODS PRODUCE AND MERCHANDISE.

H. E. the Lieut.-Governor:—Sir, I beg to move the first reading of a bill entitled an Ordinance to ensure the provision and safe transit of goods, produce and merchandise from one part to this island to another? Hon. members will be aware that there has been an Ordinance of this description on the statute book since 1885. It was passed for a limited number of years and renewed from time to time, but it was allowed to expire with the lapse of time at the end of last year for the reason that the Haputale railway would be opened and that the goods, produce and merchandise would no longer be carried by road but by railway. We find, however, that the planters of Rakwana desire that it should be continued, and in deference to that wish Government propose to replace on the Statute book the Ordinance of which I beg to move the first reading. If I may be permitted to make use of it as an illustration of the argument used just now. I would say that this is one of those measures which show concern on the part of the Government which planters would probably not find on the other side of the Paumben Channel.

The Hon. L. H. Kelly:—I have much pleasure in seconding the motion, and I am very much obliged to the Government for introducing it.

The bill was then read a first time.

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

THE LAND OF ST. PAUL'S CHURCH.

H. E. the Lieut.-Governor:—Sir, I beg to move the first reading of a bill entitled "An Ordinance to empower the trustees of the Church of St. Paul to alienate a portion of land belonging to the said Church." Your Excellency in your Address to Council mentioned the object of this bill. It is desired by the Municipal authorities to carry out an improvement in which the church authorities quite concur, but under the deed the trustees, of whom I happen *ex officio* to be one, have no power to exchange or transfer land, and the object of this Ordinance is to give them the power.

The Hon. the Acting Government Agent, W. P.:—I am also a trustee, and I have much pleasure in seconding the motion.

The bill was then read a first time.

H. E. the Lieut.-Governor:—I beg to give notice that I will move the second reading of this bill at the next meeting of Council. With the view of removing any misapprehension that we are going in any way to interfere with the Church government of this Church, I may state that the title of the bill will be altered to "The Church Lands Transfer Bill."

THE JOINT STOCK COMPANIES' ORDINANCE.

The Hon. the Attorney-General:—I beg to move the second reading of "An Ordinance to amend the Joint Stock Companies' Ordinance 1861 and of 1888." At the last sitting of the Council I went fully into the details of the bill and the object for which the bill has been brought before the Council, so that it will not be necessary for me to do anything further now than simply move the second reading.

H. E. the Lieutenant-Governor seconded.

The Hon. W. W. Mitchell:—I rise to express my gratification that this bill has been brought forward. Nearly all the recommendations of the Committee have been given effect to with the exception of those relating to the stamp duties. It was suggested that certain alterations might be made in the stamp duties which would be more favourable to the Companies and those dealing in shares. It has however been pointed out that the proper way to give effect to that desired change would be to amend the Stamp Ordinance, and I quite concur in that opinion. The bill I presume will be referred to a sub-committee, or, may be dealt with at next meeting of Council and disposed of, as I do not see that there is any point to which objection can be taken.

The Hon. the Attorney-General:—With regard to the question of stamp duty, as stated by the hon. member, we cannot introduce into this bill any alteration of this duty. I may also point out to the members of Council that the duty which is now imposed is the same as that in England and less than the brokerage which is charged on the sale of shares. The brokerage charged on the sale of shares is one per cent, while the duty which the Government gets is one-half per cent, and as far as I can learn there is no lack of business in the share market. As the hon. member has very properly said this is not in any event the proper place for the duty to be reduced. With the permission of Council I would suggest that there is no necessity to take this bill into Sub-Committee unless any hon. member wishes that it should go, and I would propose with your approval to take this bill up at next meeting of Council in Committee.

The bill was then read a second time and H. E. the Governor intimated that it would stand for consideration at next meeting of Council in Committee.

PAWNBROKING.

The Hon. the Attorney-General: I beg to move the second reading of "An Ordinance relating to pawnbrokers." At last meeting of the Council I went fully into the details of this bill, and it is only necessary for me now to move the second reading.

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

The Hon. L.H. Kelly:—I would ask, sir, whether it is the intention of the Hon. the Attorney-General to lay this bill before a Sub-Committee, because I think that the sum of R100 specified here is far too small.

The Hon. the Attorney-General:—It is my intention to take this bill in sub-Committee, and any question that may arise in detail can be considered then. I would venture to suggest that the hon. member might be one of the Sub-Committee.

The Hon. L. H. Kelly:—I shall be very happy to act.

The bill having been read a second time, the Council, on the motion of the Hon. the Attorney-General, went into Committee, when on his motion also the bill was referred to the following Sub Committee:—The Hons. the Treasurer, Government Agent W. P., A. De A. Seneviratne, L. H. Kelly, P. Coomaraswamy and the mover.

Council then resumed.

THE PETROLEUM ORDINANCE.

The Hon. the Auditor-General:—Sir, I beg to move the second reading of "An Ordinance to amend the Petroleum Ordinance, 1887."

The Hon. the Acting Government Agent, W.P., seconded.

The Hon. W. W. Mitchell:—I presume, sir, that the rules and regulations made

by the Government will be amended so as to meet the altered conditions in regard to the trade which will probably prevail before very long. The rules and regulations which at present exist will not be sufficient, and I presume that fresh ones will be drafted.

The Hon. the Auditor-General replied that it was intended to amend the rules and regulations.

The bill was then read a second time.

On the motion of the Hon. the Auditor-General, the Council went into Committee on the bill, when on his motion also the words "31st December 1893" were inserted in the first clause, as the date on which the bill should come into force, and other blanks filled up in accordance therewith.

Council then 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.

This was agreed to, and H. E. the Governor intimated that the bill would stand for the third reading at next sitting.

ACCIDENTS BY GUNPOWDER AND OTHER EXPLOSIVES.

The Hon. the Treasurer:—As His Excellency the Major-General who is absent has expressed a wish to say something on this subject, and I am sure the members of Council would desire to have the benefit of what he may say, I would ask the permission of Council to postpone, till next sitting, the second reading of "An Ordinance for the prevention of accidents by gunpowder and other explosives" which I had intened to move today.

Agreed.

THE LAW RELATING TO BUTCHERS AND THE SLAUGHTER OF CATTLE.

The Hon. the Acting Government Agent, W.P.:—I beg, sir, to move the second reading of "An Ordinance to amend the law relating to butchers and the slaughter of cattle." I have nothing, sir, to add to the remarks I made at last meeting.

The Hon. the Auditor-General seconded.

The Hon. L. H. Kelly asked whether it was intended that this bill should go to a Sub-Committee.

The Hon. the Acting Government Agent, W. P. replied that it was, and then moved that the Council go into Committee.

This being agreed to, the Council went into Committee, when

The Hon. the Acting Government Agent, W. P. moved that the bill be referred to the following Sub-Committee:—The Hons. the Attorney-General, Government Agent, C. P., L. H. Kelly, A. De A. Seneviratne, P. Coomaraswamy and the mover.

This was agreed to and Council resumed.

THE SALE OF OPIUM AND BHANG.

The Hon. the Govrnment Agent C. P.—I beg, sir, to move the second reading of "An Ordinance relating to the sale by retail of opium and bhang within Municipalities and Local Board towns." In introducing this bill I stated that the general question of the consumption of opium would not be affected. By that remark I wished it to be understood that the sales of licenses by auction under this bill would stand in the place of the issue of licenses at a fixed rate, and as was pointed out by Your Excellency in your opening Address the result will probably be a reduction in the number of opium shops rather than an increase. If the Ordinance is not passed the licenses will be issued as heretofore from the 1st January next and will be in operation for a full year, the result naturally being that the Municipalities will lose revenue. If on the other hand, after that consideration which so large a question demands, it should be decided in any way to restrict the sale of opium, this Ordinance and other connecting Ordinances will at once go by the board.

The Hon. M. C. Abdul Rahiman:—Sir, the use of opium is fast increasing all over the island, the consumption being not only in Municipal and Local Board limits. The use of this drug which formerly was consumed only by Malays, has now spread to the Sinhalese and others. I beg Your Excellency will be pleased to extend the operation of this Ordinance and apply it to the whole island, not for the sake of revenue but to suppress its use. There might be a higher duty on imports and a license for wholesale as well as retail sale similar to the sale of intoxicating liquour ordinance No. 12 of 1891. I beg to suggest that the Customs duty be increased from one Rupee to five Rupees per lb. and also that there be enforced a duty of R2·50 per lb. upon the famous herb called "Ganjah." If the authorities do not check the opium traffic, I am afraid that the lunatic asylum ought to be enlarged. The English Acts for the sale of opium would not suit Ceylon. Personally I have no sympathy with those who are indulging in opium or alcohol; but it would seem to be impossible to prevent those who are addicted to the evil practice.

The Hon. A. De A. Seneviratne asked whether it was the intention of Government to refer this bill to a Sub-Committee.

The Hon. the Government Agent, C. P.:—The bill is so short and simple that I had intended to move that the Council should consider it in Committee now.

The Hon. A. De A. Seneviratne:—As it is not the intention of Government to refer the bill to a Sub-Committee, I wish to make a few remarks now. I entirely approve of the principle of the bill, that is to say that other Municipalities and Local Board towns should have the same method of selling licenses as the Municipality of Colombo has now; but as to the number of licenses, I think there ought to be a greater reduction. The Municipality of Colombo is a large one, and the other Municipalities and Local Board towns do not contain so extensive a population, so that I do not think that so many as ten licenses should be allowed to them. I am also in favour of restricting the number of licenses even as regards the Municipality of Colombo. I am aware that it is left to the discretion of the Council to fix the number of licenses, but I do not think, whatever number is fixed, that other Municipalities and Local Board towns would care to have more than a couple of licenses under this Ordinance. I would also like to know if it is the intention of Government to take steps for the purpose of restricting the use of opium and bhang. It has been stated here already I believe, that the use of opium and bhang has extended a great deal in the villages, and I think it would be for the interest of the public that its use should be restricted as much as possible. I do not think the sale of opium should be looked at simply from the mercantile point of view, from the point of view of how much revenue is likely to be gained by the Municipality, and I feel sure that the Government will not regard it in that light. We ought to consider how much harm the use of opium and bhang is likely to do in the country. The use of opium and bhang is recent as regards a large number of the people born in this country. It was introduced from a foreign land, and the taste for it has been gradually acquired. I am myself aware that in villages far

away from Colombo there are numbers of people who have taken to opium and bhang. There can be no objection to the use of opium or bhang under medical advice; but restrictions should be imposed to prevent people from the indiscriminate use of these poisons. I have heard it stated that at outstations like Awisawella even little boys go into the shops and have their pull at what they call ganja on payment of a few cents. It is not, of course, the purpose of this Ordinance to reach cases of that kind, but make these remarks with the view if possible of eliciting the opinion and views of Government as regards restrictions that should be imposed on the use of opium and bhang. The time has arrived when the consumption of opium should be placed under stricter supervision, and I should like to know whether Government have in view some Act for the purpose.

The Hon. DR. P. D. ANTHONISZ said he should like the bill referred to a Sub-Committee.

The Hon. W. W. MITCHELL:—Sir, I do not say that anyone can object to the principle of the bill, but the question is whether it is desirable to proceed with it at the present time. I would wish to see some steps taken by the Government of Ceylon to curtail, if possible, the consumption of the drug which I conceive to be more demoralising than that of intoxicating liquor. Some statistics were compiled a short time ago from personal observation at the places where opium is sold in Colombo, and I believe to as many as between 800 and 900 purchases were made within about 3½ hours. In Burma the Government have practically prohibited the sale of the drug except to confirmed opium users who are registered. Here something of the kind might be done and means might be found for discouraging the sale and the growing taste. I understand that the Secretary of State has referred the matter to Your Excellency, and I would suggest that this Ordinance be held over in the meantime, until some decision has been arrived at with reference to the larger question of consumption as it might be found in a short time that this legislation is useless. No great harm could result if the bill were held over for the present.

The Hon. L. H. KELLY:—I should be disposed, sir, to deal with this matter at once and get rid of it; but I think that as perhaps the easiest way of curtailing the use of opium—of course it does not affect this measure before the Council now at all—Government might be prepared to increase the import duty on opium. I only throw this out as a measure which the Council might consider hereafter.

The Hon. the ATTORNEY-GENERAL:—I understand that most of the unofficial members who have spoken are not against the principle of the bill, but an important point has been raised by the hon. member for the Sinhalese community with regard to the number of licences that should be issued. I would suggest to my hon. friend whether, when we come to the fourth clause, he could not move that the number of licences be limited to 8 within Municipalities and 3 within Local Board towns. If that meets his view we might go on with the bill and pass it through Council.

The Hon. A. DE A. SENEVIRATNE:—I should like the bill postponed on that account. I think an amendment should be made as my hon. friend suggested, but the hon. member on my right (the Burgher member) has asked that the bill be referred to a Sub-Committe if possible, and his opinion I think is entitled to weight. If his request can be granted, I am sure it will be granted (Hear, hear).

The Hon. the GOVERNMENT AGENT, C. P.—I would point out that a Sub-Committee is generally appointed to deal with the details of a bill. In a bill such as this there are really no details to deal with, which cannot be dealt with at once. The result of referring it to a Sub-Committee would be the postponement of the passage of the bill for a fortnight. It will be necessary for me to move an amendment in the fourth clause in order to make the bill operative during the coming year as it is, and I am very reluctant therefore to do anything which would further delay its passage.

H. E. the LIEUT.-GOVERNOR:—Sir, I think I would appeal to hon. members to allow the bill to go on. The question in which the hon. member who represents the Burgher community is, I think, so much interested, is rather a different one from this, and I think I may say, sir, that it is likely to come before the Council. If it does not, it is quite open to any member of Council to bring it up on an abstract resolution. The result of not passing this bill would be that next year we would have in the Municipalities which desire to control the sale of the opium to some extent by this bill, the same uncontrolled system as exists now. I believe I am right in saying that in the Municipality of Colombo there have been only four licenses granted. I think the object is to have a monopoly—to have the trade in the hands of a few so as to have a better control over it and the practice of using opium. On this question I may state in regard to what the hon. the Mercantile representative has said that in my service here, varied as the subjects are that come before me in the course of a year, the use or abuse of opium never incidentally in any way was brought under my notice and I could not think that it existed. Being under that impression naturally the first course would be for us to cause inquiry to be made as to the extent to which it exists and in due course the Government will be very glad to receive whatever information can be given. The Customs Returns do not show that there has been any very considerable increase in the amount imported; and with regard to the duty I would remind the Council that by putting on too high a duty on opium the risk of illicit introduction of it will be very considerable. I hope hon. members will allow that bill to go. It has been introduced rather in favour of the views of those whom I may call anti-opiumists.

The bill was then read a second time, and on the motion of the Hon. the Government Agent C. P., the Council went into Committee on it.

On clause 4 being reached the date "31st day of October," was deleted and "30th day of November" substituted, on the motion of the Hon. the Government Agent C. P.

The Hon. A. DE A. SENEVIRATNE also moved with regard to the number of licenses that the word "ten" be omitted and the words inserted "5 within any Municipality and three within any Local Board town. He said—I submit that five will be quite ample for any Municipality, and that number will be more than ample for any local Board town, but in view of the fact that a town which I think should have been created a Municipality long ago, that is Jaffna, has still not even a Local Board, I think three should be allowed. In the case of opium being kept or stored for medical purposes, it does not fall within the operation of this Ordinance, and no license is necessary.

The Hon. the GOVERNMENT AGENT, C. P.—So far as the Kandy Municipality is concerned, I am quite prepared to accept five as sufficient. Perhaps my hon. friend the Government Agent, W. P., who

has some interest in Galle will be good enough to say whether five would be sufficient.

The Hon. the ACTING GOVERNMENT AGENT W. P. —I think 5 would be ample. He afterwards suggeted four, but the hon the mover said he preferred to keep to five.

The Hon. the GOVERNMENT AGENT C. P.—Being in charge of the bill, I accept the amendment.

The Hon. W. W. MITCHELL :—Does this apply to Colombo.

The Hon. A. DE A. SENEVIRATNE :—No, outside Colombo?

The Hon. W. W. MITCHELL :—As it seemed to him that the wording of the amendment conflicted with that.

H. E. the GOVERNOR said the words "other than Colombo" could be put in.

The Hon the ATTORNEY-GENERAL pointed out that the matter was provided for in the second clause where the words "other than Colombo" appeared.

The Hon. L. H. KELLY :—This bill simply applies to Municipalities and Local Board towns but there is a large quantity of opium consumed in other than those places and I would rather see the bill extended to the towns under the "Small Towns Sanitation Act." A large quantity of opium is consumed upcountry.

The Hon. the GOVENMENT AGENT, C. P. :—My hon. friend has misunderstood the object of the bill which is to give Municipalities and Local Boards a certain control over acts which are now done by other bodies and transfer to them revenue which is now collected by the Government Agent. That is the only object of this bill.

There being no other amendments the Council resumed, when the Hon. the Government Agent, C.P., reported the bill as amended. On the hon. gentleman's motion it was referred to the Law Officers of the Crown, and will come up for the third reading at the next meeting of Council.

On the motion of H. E. the LIEUT.-GOVERNOR, Council adjourned till Wednesday next at 2-30 p.m.

Council rose at 5-45 p.m.

WEDNESDAY, NOVEMBER 1st, 1893.

Present:—His Excellency Sir Arthur Havelock, President. Sir E. Noel Walker, Lieut.-Governor; H. E. Major-General Clive Justice, Officer Commanding the Forces; the Hons. J. A. Swettenham, Auditor-General; F. R. Saunders, Treasurer; C. P. Layard, Attorney-General; E. Elliott, Government Agent, W.P.; P. A. Templer, Government Agent, C.P.; R. Reid, Principal Collector of Customs; D. G. Mantell, Acting Surveyor-General; W. W. Mitchell, Mercantile representative; Dr. Anthonisz, Burgher representative; A. de A. Seneviratne, Lowcountry Sinhalese representative; M. C. Abdul Rahiman, Muhammadan representative; P. Coomara Swamy, Tamil representative.

Absentees :—The Hons J. J. Grinlinton, General European representative (who is at Chicago); L. H. Kelly, Planting representative; and T. B. Panabokke, Kandyan representative.

The minutes of the last meeting were read and confirmed.

MESSAGE FROM H.E. THE GOVERNOR.

The LIEUT.-GOVERNOR brought up and read a message from H. E. the Governor, dealing at length with the items of revenue and expenditure for next year :—

MESSAGE TO THE LEGISLATIVE COUNCIL, CEYLON.

A. E. HAVELOCK :—The Governor has directed the Estimates of Revenue and Expenditure for the year 1894 to be laid before the Legislative Council.

The Revenue for the coming year has been estimated at a total of R18,870,371 being R1,022,387 in excess of the estimate for the current year, and being R361,184 over the actual receipts for 1892, which include R928,309 from the Paddy Tax. This estimate though high, has been made with all caution and with apparent justification.

In Customs there is an increase of R351,000 of which the sum of R200,000 is under Grain, and that of R80,000 partly from the increased duty on spirits. Kerosine oil has been estimated to yield R150,000 for a consumption of eight months, on the assumption that the past average rate will be produced by one fourth on account of the increase of duty. Thus raised the Customs revenue will be R261,000 in excess of what will certainly be received in the current year. The continued growth of the shipping trade warrants the increase of the Colombo Harbour Dues by R25,100 on the revised estimates for 1893.

The opening of the Galle and Kurunegala extensions, as well as the receipts from the Haputale and Ambalangoda sections for a full year, justify the increase of the revenue from Railways by R294,219, even after taking into consideration the somewhat too liberal anticipation for the current year. The diminution of R13,536 under the head of Interest is due to the absorption of the Cash Balances of the Colony in making advances for Railway and other works in course of construction as charges on loans to be raised, and to the probability that the coming year may not prove any more suitable for exercising fully the borrowing powers necessary to restore these advances. The transfer to the Widows' and Orphans' Fund of the accumulations held by the Government for the first decennial period will reduce somewhat the receipts of interest from investments of such moneys, but will relieve the Government, on the other hand, from a much larger charge in the payment of interest at six per centum per annum.

The increase of R238,356 in the sale of Government property is expected from a much larger sale of timber, with which view it will be observed that more liberal provision for outlay has been made in the vote for the Forest Department.

The appropriations which it is proposed to you to make during 1894 out of that revenue amount to R18,852,037, leaving for the present a comparatively small surplus of R18,334, on which, however, there are still some demands in urgent representations under the consideration of the Government.

A reference to the comparative statement at page 137 of the Establishments in the current and the coming years shows an increase of R102,041 in the total of the provision for 1894. Of this, however, R88,042 are on account of the new extensions of the railway, and R18,591 for additional postal and telegraph accommodation, which sums should be more than reimbursed, if not by actual revenue, by increased convenience to the public. In Education, the increase of R11,932 is due to the provision for the first time of the staff for the new Technical School, at an expense of R4,312, and to an addition of R7,260 for masters and teachers in the various elementary schools, new and existing.

The foregoing increases may be said to be necessitated by the natural growth and progress of the Colony. Provision is also asked for two new officers in the out-door department of the Colombo Customs—a Charges Officer at R3,000 with an Assistant at R1,500—while one of the Landing Waiters at R1,000 on the Fixed Establishment is abolished. A reduction will be placed on the amount of overtime fees to be received by the new officers,

and the creation of these two posts will result in no increase of cost, as these additions to remuneration will be reimbursed by a proportionate charge on the overtime fund. The increase of passengers and shipping frequenting the port, as well as the disproportion of the salary and of the fees of the officer now discharging the duties, in which he will be continued, call for this change in and addition to the Establishment.

There are three other proposed increases to which the Governor would invite attention. A personal allowance of R2,000 to Colonel Gorman, the Colonial Storekeeper, is sought as a well-merited recognition of twenty nine years' faithful and diligent service in a trying office without any addition to its remuneration. In the case of the Assistant Colonial Surgeon in charge of the Leper Asylum, Dr. Meier, who has been for fourteen years in charge of this institution, and has brought it to its present satisfactory condition, and who is debarred from advancement in the Medical Department, it is proposed to raise the present salary of R2,500 to R3,000 from the new year. The third proposal is for an additional Lower Form Master at at R600 for the Royal College, whom, indeed, the Principal had been employing at his own cost. There is really a decrease in the Public Works Establishment instead of the apparent increase of R9,960 the salaries of two Irrigation Officers amounting to R11,500 having been transferred to Establishments from the Irrigation vote, where a corresponding reduction will be found.

The reduction in the provision for Crown Agents is permitted by their own recommendation that Colonial Governments should be relieved from the payment of commission on tenders for loans, that commission on payment of interest on loans should be reduced from one half to one quarter per centum, and that the annual contribution payable to them from Ceylon should be reduced from £500 to £250.

Other reductions, the principal of which are those of R17,070 in the Port and Marine Department of Colombo, and of R11,500 under Ecclesiastical, have brought the larger increases down to the net increase of R102,641, already referred to. The latter is due to the death of two State-paid clergymen, and the former is permitted by the transfer to the loan for Harbour Improvements of the charges of the cost of first dredging the port to the requisite depth.

In the Services, as distinguished from salaries, the estimated revenue allows an increased provision of R930,764.

Under the four heads of Debt, Pensions, Exchange, and Military, which are affected by the fluctuation of the value of the rupee, there is an increase of R325,226. With the exception of the Military to the extent of R95,484, this is however not caused by such fluctuation. On the contrary, a less provision has been made, in Debt alone of R89,859, inasmuch as the rate of exchange has been calculated at 1s 3¾d as against 1s 3d adopted in the Estimates of 1894. The former rate prevailed at the time at which this portion of the Estimates was prepared, and in the extreme uncertainty of the course of exchange in the coming year, it would seem safe to adopt something close within the anticipations of the Government of India, on which country we are so dependent in such a matter. The addition to the provision for the Military contribution is due to the fall of the Imperial Treasury rate from 1s 4¾d to 1s 2¾d in 1893-94, and to the supposition that it will be fixed for 1894-95 at somewhat of the same rate which has been adopted in these Estimates.

In Debt we have to provide R50,000 additional for interest on a further instalment of the local loan under Ordinance No. 7 of 1892 for Public Works, as well as the sum of R230,145 for interest and sinking fund on the loan for the construction of the Haputale and Bentota sections of the Railway, which have hitherto been met by the large deposit made from surplus revenues under the resolution of the Council in 1888. Against these there is the reduced provision of R89,859 on account of exchange, to which reference has been made.

Under the head of Provincial Administration, there are some small reductions in Personal Emoluments as well as in other charges.

The large decrease of R122,858 in the provision for the Post and Marine Department of Colombo is due, as has been stated in connection with Establishments, to the transfer to the charge of the proposed loan for Public Works of the cost of deepening the Harbour, which will be subsequently maintained at the requisite depth at the expense of current revenues.

The reduction of R23,624 in the provision for Prisons has been permitted by the closing of the Goal at Hambantota and by the transfer to Colombo of the greater number of prisoners hitherto detained at Galle.

The net addition to the Medical votes of R74,643 by no means provides for the numerous applications which have been made by the Principal Civil Medical Officer himself and by different sections of the community for the extension of the services of Medical Officers and of their operations in existing as well as in new hospitals and dispensaries. Of the increase, R18,052 are apportioned to the working of the Medical Aid Ordinance and R40,674 for the Civil Hospitals and Dispensaries. This provision is in addition to the arrangement recently adopted, under which a group of estates finds the salary for a dispenser as well as the house for a dispensary, while the medicines are supplied at the cost of the General Revenue and the supervision and inspection by the Medical Department.

The increase in Exchange is due to the family remittances and to half pay leave being drawn to a greater extent at the privileged rate of 1s 10½d. The slight rise in the rupee would otherwise have permitted a reduction.

The absence of any necessity to repeat provision for such extraordinary expenditure as Currency Notes supply, the contribution towards a pipe for the Colombo Water Supply, the Chicago Exhibition, and the Interest on the Widows' and Orphans' Pension Fund, accounts for the lesser provision by R93,317 in the necessarily fluctuating head of expenditure for Miscellaneous Services. As to the last item the contribution by the Colony to the fund of six per centum interest ceases under the provisions of the Ordinance after the first quarter of next year, and the fund is now established on a substantial basis with an accumulated balance of R894,517 on the 31st December last. An addition of £5,503 is proposed to the provision for the Forest Settlements with a view of increasing the clerical staff of the Officers and allowing the settlement of claims and questions in regard to Crown and village forests to be pushed on more rapidly. This addition is a measure of economy in the end, as it will enable the services of the more highly paid officers to be sooner determined.

There is a larger provision by R133,970 for Forests. This is to meet the charges for the supply of timber to Public Departments and for general sale, and of firewood to the railway, and to enable the Department to lay in larger stocks of better seasoned wood than the votes hitherto have permitted. A corresponding increase has been made in the item of revenue for timber under the head of sales of Government Property.

The cause of increase in the expenditure on Post Office and Telegraphs and on the Railways has already been explained in connection with the Establishments.

On Public Works there is an apparent increase of appropriation to the extent of R318,209; it should be remembered that the Council, at its Session this time last year voted further for extraordinary public works —General and railway—as well as for rolling stock, sums amounting to R1,967,867 from surplus revenues and to R81,938 from unclaimed balances with the Loan Board under Ordinance Nos. 22 and 19 respectively of 1892.

The General Post Office will be completed at the end of October and will, with the Queen's House, be lit by electricity. New hospitals are provided at Avisawella, Teldeniya, Haputale, and Rakwana, and considerable additions are proposed to be made to

the hospital at Lindula. Substantial provision is also made for pushing forward the work of the Dehiwala flood-outlet, for constructing additional rooms at the Royal College, and for continuing the removal of rocks in Galle Harbour. It is proposed to build a residence which has been sought for the Assistant Agent, Kalutara, and a house and workshop for the District Engineer at Ratnapura. For the Police, the conversion of the Kotahena cooly shed into a barrack, the balance of the cost of the new station in the Cinnamon Gardens, and the removal of the administration offices at Kandy to the Old Gaol, have been provided for.

In roads, the principal items are for the construction of a first section of the cart road from Badureliya to Kukulugama, for the usual grant-in-aid towards the projected road from Rangalla to Nitre Cave, for the completion of the Naula-Spring Valley and Madampe-Gorakewela roads. A further sum has been provided on account of the road from Kegalla to Bulatkohopitiya. There are smaller provisions for the extension and for the improvement of the roads, including that from Haputale to Banderawela, in consequence of the Railwoy Extension and increased traffic.

The balance of the cost of the bridges over the Kelani-ganga and the Deduru-oya is proposed to be provided, and bridges will be erected over Situluganga at Laxapana and over the Parapa-oya on the Wellawaya-Mupane road.

By His Excellency's command,
E. NOEL WALKER,
Colombo, November 1, 1893. Colonial Secretary.

PROPOSED AMENDMENT OF THE GEMMING ORDINANCE.

The Hon. M. C. ABDUL RAHIMAN moved :—"That in the opinion of the Council it is desirable that the Gemming Ordinance, No. 5 of 1890, should be amended." He said :—Sir, I remember this Ordinance was passed to restrict gemming on private lands for certain reasons and to make an experiment; but the experiment did not prove to be beneficial. The gemming industry was affected to a very great extent, and the trade curtailed, and the gems became very scarce and are still becoming scarce, causing the demand to be supplied by foreign artificial gems. Sir, under the liberal law of England I ask whether it would be allowed to exercise such a short-sighted policy as to prohibit any landowner from legitimate industry, and I appeal to Your Excellency to consider whether such a policy is practicable in this civilized age. Whatever any landowner finds on his own land, whether mud or marble, is undoubtedly his own property. Sir, a Commission was appointed to inquire into the working of this Ordinance, but I believe it did not have much effect on the gemming industry. I think that when the oppression is removed the gemming industry will be more flourishing; and an export duty on gems and precious stones may be enforced. Sir, I can see no reason to preserve the hidden treasures of the earth in the deep, and to drive the people into poverty. The gemming industry is not so uncertain as the pearl-oyster washing. Proverbially the Sabaragamuwa Province was a healthy district, but at present it is the reverse, and the chief cause must be that the industry of the people has been pressed upon. Several petitions from lowcountrymen, those who are trading and gemming in that Province, have been presented to the authorities to get redress; but double exaction is enforced upon them, the Local Board as well as village community rules being observed by them. I move that the Gemming Ordinance No. 5 of 1890 should be amended.

The Hon. A. DE A. SENEVIRATNE :—Sir, I beg to second the motion that has been made. I think it would have been better to have indicated in what direction amendment of the Ordinance was necessary; that has not been done, all that is requested of the Council being that it should express its opinion that the Gemming Ordinance should be amended. Soon after the Ordinance was passed a petition was sent in by the inhabitants of Sabaragamuwa against the working of the Ordinance; that petition was presented by me and I subsequently moved that a Committee of this Council be appointed to inquire into the complaints made in the petition. A Committee was appointed consisting of H. E. the Lieut. Governor; the Hon. the Treasurer, the Hon. the Kandyan representative, and myself. The report of that Committee is given in the Hansard of 1890-91 on page 131. It was to this effect :—

"The Select Committee, appointed to enquire into and to report upon the nature of the grievances in connection with the operation of the Gemming Ordinance 1890, referred to in a petition from certain inhabitants of Sabaragamuwa which was presented to the Legislative Council on the 9th December, beg to report that they find these grievances to be due to the working and application of the Ordinance." And then the Committee went on to say :—"The Committee understand that the principal object of the licensing and control established by the Ordinance, was to promote and protect agricultural industry and to discourage to some extent the villagers from joining the more speculative pursuit of gemming." And again, to the following effect :—"The evidence placed before the Committee did not establish that visitors had been induced to neglect agriculture, and to take up gemming, or to dispose of their lands for such a purpose. The apprehension of substantial injury to the villager from gemming must, therefore, still remain a matter of opinion." Next the Committee went on to say :—"The Committee consider that the Ordinance in its present form cannot be worked without causing some inconvenience and hardship to the people, and the control sought to be established must almost necessarily be attended by some of the results complained of. The Committee therefore, with hesitation and regret in adopting this course with respect to an Ordinance enacted so recently as the last session, recommend that the licensing control over gemming should be withdrawn on the ground that it is ineffective and has caused widespread discontent. In thus practically recommending the repeal of the Gemming Ordinance 1890, the Committee do not mean that the prerogative rights of the Crown in respect of gems and the like products of land should be thereby prejudiced."

His Excellency the Lieut. Governor in a separate memorandum appended to that Report, states :—

"Admitting the force of the evidence, I have felt unable to abstain from joining in the recommendation. I am not, however, entirely satisfied that the gemming industry has no injurious effect on the villager and is not an undesirable pursuit for him. I think, too, that more weight should be given to the opinion of the Government Agent and of those who were actuated by their concern for the villager, and are not interested in maintaining this speculative trade. In this view I should have preferred to see a farther trial given to the Ordinance of last year with some amendment as to the issue of licenses and with some measures for making its application less onerous than it has been."

The motion that has been made now, supports I think, the opinion expressed by H. E. the Lieut.-Governor; and what is asked is not that the Ordinance be repealed but that it be amended and be made more workable in order that less hardship may be caused to the people who are engaged in that work. On a former occasion I pointed out in what way hardship was caused by the working of this Ordinance. I do not wish to enter into that question now; but I may say that I received

a letter very recently, after the notice of motion appeared in the papers, complaining that the grievances which were found to exist at the time the Committee went down to Ratnapura, still existed. I beg to second the motion.

H. E. the LIEUT. GOVERNOR:—Sir, I may say, that I am not at all sorry that the hon. member has called attention to this subject. I am free to confess on behalf of Government that the subject within the last few months has been rather lost sight of. Last year it was resolved, after an appeal to the Secretary of State, to give the Ordinance a further trial for some time. It was then and it had previously, as indicated in the extract which the hon. member has just read, been admitted by Government that some beneficial modifications might be made in the conditions of license. The Government Agent had instructions to report upon the Ordinance at the close of last year, but I regret that partly owing to his absence for some months he has failed to do so, and further that I have failed to call attention to his omission. I may state by way of reassuring hon. members that since notice was given of this motion I have received a communication from the Government Agent of the Sabaragamuwa Province in which he tells me that the Ordinance has been working smoothly without friction or discontent, and that a large number of licenses were taken during the last twelvemonths. I may state further that the Report which I have referred to as being in default will be furnished in a very short time. Indeed I had hoped, from the promise the Government Agent gave me, to be in possession of it today. I trust, sir, that the hon. member will leave the matter in the hands of Government now and will allow his motion to be withdrawn.

The Hon. M. C. ABDUL RAHIMAN.—I accept the proposal made by H. E. the Lieut. Governor. As to the Report of the Government Agent—well of course, I do not mean to characterize anybody, but I would point out that he rather places a bar in the way because he wants to convert the gemmer into a cultivator which is impossible.

H. E. the GOVERNOR.—Am I to understand that the hon. member accedes to the suggestion of H. E. the Lieut. Governor to withdraw his motion?

The Hon. M. C. ABDUL RAHIMAN.—Yes. I leave it to Government.

PROPOSED AMENDMENT OF THE GAMING ORDINANCE.

The Hon. M. C. ABDUL RAHIMAN moved:—"That in the opinion of this Council it is desirable that the Gaming Ordinance No. 17 of 1889, should be amended at an early date." He said:—Sir, it is certainly difficult for me not being a lawyer to deal with this matter, and I think my hon. friend the Attorney-General would be the right person to bring it up. It is known to everybody that gambling is now very rife in the island and my principal object in bringing up this motion is to prevent the gambling dens which are so openly kept and being carried on as a trade. Gambling is increasing in almost every portion of the island. I need not detain the Council in speaking in support of this. It is clearly admitted in the Administration Report of the Inspector-General of Police. It is a long report, but I quote from it:—

"The existence of gambling dens, is not only in the Municipal limits, but in every town, such dens are specially arranged and guarded to defeat detection and also heavily bribed."

I regret that the Inspector-General omitted to annex a list of such gambling dens with the name of the keepers, and also that the Inspector-General omitted to mention to whom the bribes are given. The proper person who ought to give attention to the Report of Inspector-General of Police to suppress the evils and to find a remedy, is the Hon. the Attorney-General. I appeal to Your Excellency to amend the Ordinance No. 17 of 1889, especially section 7, so as to arrest a gambling den keeper without a warrant from the Police Magistrate, for as it is, it is much in favor of the keepers. The Attorney-General asked me what sort of an amendment I was going to propose. Sir, I am not fit to propose an Ordinance, and therefore I leave the matter to Your Excellency. There is a great cry in the island about gambling, and I hope our worthy Attorney General will make a new law or do something to alter the present one.

The Hon. W. W. MITCHELL:—In seconding this motion, sir, I only wish to remark that section 7 of Ordinance 17 of 1889 appears to be the weak part of the machinery, and I would impress upon Government the desirability of amending it.

The Hon. the ATTORNEY-GENERAL:—Sir, I have been appealed to by the hon. member for the Muhammadan community. I would venture to point out to him that the Inspector-General of Police has not in his Report condemned the Ordinance or the working of it. Far from saying that these gambling dens are kept openly he points out that they are not openly kept, but that it is very difficult to obtain evidence regarding them, and I think he rather insinuates that that is due to the care which is taken by those who keep gaming houses to prevent any information being obtained in respect to them. He also seems to hint that some of his officers are liable to take and do accept bribes (Hear, hear), and not report as they should do the cases of these gaming houses. In paragraph 59 of his Report, referring to these gaming houses, he says:—

"The hells are generally situated in houses specially arranged to defeat detection"—that is not as the mover said, kept openly—"and the approaches to them are well watched by sentries posted in their neighbourhood; moreover, the keepers bribe freely and I fear often effectually. The consequence of all this is that it is difficult for the police to raid one of these places with such success as to have sufficient evidence for the conviction and satisfactory punishment of the hell-keepers or gamblers."

Then he goes on to complain next, not with regard to the provisions of the law but the administration of it by the Magistrates. Now with the Magistrates I cannot interfere and this Council cannot interfere. The Council can merely make the law and it is for the Magistrates to administer it. They are properly allowed a discretion, and if they think the case is not a serious one they find accordingly and do not give the full amount of penalty:—

"Even when a satisfactory raid has been made, the position of the gamblers and the hell-keepers is not a desperate one. The gamblers will probably be convicted in the Police Court and will be fined from R2 to R10, less very likely than a twentieth part of their winnings or losings of the previous night, and such fines are merely looked on by them as a trifling addition to the expense of following their favourite amusement."

Now the hon. member will see that that is not an attack upon the Ordinance or upon the working of the Ordinance or any part of it, but merely refers to the leniency adopted by the judicial officers in the administration of the Statute.

The Hon. M. C. ABDUL RAHIMAN:—Inexperienced Magistrates.

The Hon. the ATTORNEY-GENERAL :—I do not say that the fines are wrongly imposed, but that the argument of the Inspector-General is not that the Ordinance is a bad one, but that the Magistrates have been too lenient with regard to the penalties they have imposed. The Inspector-General then flies at higher game, namely, the Judges of the Supreme Court. He says :—

"With the gambling house-keepers there is more difficulty. The penalty for keeping a gaming house is, of course, much heavier than that for frequenting one; and the defence of the gaming house-keepers, which it would be hardly worth the mere gambler's while to set up, is generally entrusted to a leading member of the Bar, and is very vigorously and carefully maintained. He may escape in the Police Magistrate's Court, but he will probably be convicted and sentenced to a fairly heavy fine which he can well afford to pay, and perhaps to some months' imprisonment. He then appeals and the case goes before a Judge of the Supreme Court, and here the able defence made for him and the various dodges which he has long prepared in case of being brought to trial, are very likely successful, and he leaves the Court to resume his profitable business encouraged by his success in defeating the administration of the law, and with increased experience for evading the penalty of his misdeeds. It is indeed a fact that a recent decision of a Judge of the Supreme Court, by which the conviction of the proprietor of an old established gambling house was quashed, and the accused acquitted, has struck a very serious blow to the suppression of vice in this form, and its attendant evils, in Ceylon."

The exception there taken is not to the law, but to the administration of the law. It must be understood that I do not for a moment express any opinion, as I have not the case before me, and am not aware of the facts of the case to enable me to determine, say whether the Judges of the Supreme Court were right or wrong in this matter; but the Inspector-General distinctly hints that a judgment of a Judge of the Supreme Court was not in accordance with the law enacted by this Ordinance. I think it only fair to say with regard to the Supreme Court that so far as this report goes it does not say that the Judge of the Supreme Court had done anything but quash a conviction as that he considered there was not sufficient evidence to sustain at. The next paragraph in the Inspector-General's Report says that so far from the Gaming Ordinance not being a success it has been a success, and that where properly worked by a native inspector and native sergent-major the Inspector-General has been able to suppress a large number of gaming houses in this town. I will read the paragraph and I think it will satisfy the hon. member that the Inspector-General does not complain against the Ordinance. He says :—

I am glad to say that considerable good has been done in Colombo during the past year in this respect, and some old-established gambling-houses have been successfully suppressed —thanks chiefly to the exertions of Assistant Superintendant De Saram and Sergt.-Major (now Inspector) Kotalawela."

This shows, as I said before, that the defect is not in the Ordinance, but with regard to the way that the Ordinance is worked. The hon. member who represents the Mercantile community has taken exception to the 7th Section of the Ordinance. Now that section is not one which is new to our statute law, or at least to the English Statute law from which our statue law in this instance is taken. It is the same provision as exists in the Straits. When the members of this Council came to pass this Ordinance they were so struck with the stringency of some of its provisions that they took good care to put in a saving clause which was not drawn by the draughtsman, because I had the honour of drafting the original bill before it was presented to this house. They put in that clause to protect themselves from being brought under the provisions of this statute, which shows how stringent they must have thought this bill when it was originally introduced. The provision to which the hon. member for the Mercantile community takes exception is undoubtedly a provision in the interests of the subject, namely that no man's house should be invaded on mere suspicion by an Inspector of police without first having obtained an order from the Police Magistrate and having shown the Police Magistrate that there is reason to suspect that a gaming house is kept at the place which he wishes to enter for the purpose of searching; and I am sure that if I were to suggest the repeal of this safeguard it would be opposed by every member of this Council with the exception perhaps of the hons. the mover and seconder of this motion today.

The Hon. M. C. ABDUL RAHIMAN :—Sir, I brought forward this motion for the enlightenment of the public. It may be true, as the Attorney-General says that this is a matter of law, but what I wished to do was to bring forward as a matter of fact that gambling was becoming a trade in Colombo and all over the island. We must find out where crime begins. It begins with gambling or something similar. I am not a gambler or anything of that kind, but it is my duty I think to say what I have seen and what I have heard. I cannot go as a witness to our Courts, but as I am passing I see gambling houses still carried on.

H. E. the GOVERNOR.—Does the hon. member wish a division to be taken on this motion ?

The Hon. M. C. ABDUL RAHIMAN.—No, Sir.

The matter then dropped.

PROPOSED AMENDMENT OF THE ROAD TAX.

The Hon. P.D. ANTHONISZ moved :—"That in the opinion of this Council amendment of the Road Ordinance of 1884 is desirable in the following respects :—

"(1) That the fine of 10 rupees imposed on road defaulters be discontinued.

"(2) The double commutation due by road defaulters after a warrant of arrest has been served, or while in jail, be accepted by the Chairman of the Road Committee.

"(3) Whenever the double commutation is paid (at the time of arrest, or after it, or when the defaulter is in jail) the defaulter should be released forthwith.

"(4) In cases of imprisonment the defaulter should not be put to hard labour as a criminal, but should be worked outside the jail, according to the requirements of the Road Ordinance."

He said :—In making this motion I should like to bring to Your Excellency's notice that what I contended for when I last spoke on the subject of the Road Tax was, that it was not reasonable to double a debt when one was unable to pay, and also to fine one for it; nor was it right to put one to hard labour for a debt to Government of the sum of R1·50, which in British money according to present rates is about two shillings. This, sir, I am sorry to say has not been explained to my satisfaction. If the object of a creditor was to induce a debtor to pay, the proper course would not be to increase the debt and to restrict the time of payment for a very short period. Surely a measure of this sort will only tend to prevent payment and nothing else. And why is this done? Can it be to make a labourer provident by inducing him to put by 12½ cents a month so as to enable him to pay the

road commutation at the beginning of the year? he becomes a defaulter and incarcenate him in jail and put him to hard labour. No enactments of this Council will make one provident; nor has any act of Parliment made people moral. To take a man's liberty away for a debt of 2s to Government could not be considered satisfactory under a civilized, humane and paternal Government like ours. Wherever the British rule exists the liberty of the subject is upheld; and wherever the British flag flies throughout this wide and proud empire; the desire of the nation is to break the fetters of the bondman and to liberate the slave. Here a man is made a slave for a debt of 2s and imprisoned with hard labour according to our laws, whereas reckless speculators and bold adventurers may raise large sums of money from the general public, and when they find they cannot satisfy their creditors they go through a court of law and escape by the skin of their teeth after ruining a good number of people including widows and orphans. A debtor has a chance here of escaping imprisonment, but not so with the Road tax defaulter—pay either in money or labour or go to jail to be treated as a hardened criminal. The Ordinance as I understand it is this. After due notice is given if a person does not come forward to labour for six days or has not paid the commutation on or before the 28th of February he is liable for double labour and double commutation. After notice to perform double labour, a warrant is served and he is taken before the Chairman of the Road Committee who is authorized to send him to jail to be put to hard labour, and has the option to fine him R10. The tax is considered as a debt to Her Majesty in the Ordinance No. 10 of 1861, clause 61. In the Ordinance now in force No. 31 of 1884, clause 27, it is said to be a payment to Her Majesty. From this one must conclude that the payment is a reward for good roads furnished by Government: when the roads are kept in bad repair so as to be unfit to be used by the taxpayer is the enforced payment by fine imprisonment with hard labour a just procedure? The tax which is collected with severity is handed over to the Chairman of the Road Committee who may spend to the benefit of a few with disadvantage to many, as in the case of furnishing, enlarging and repairing resthouses to the neglect of roads. The taxpayer is bound to pay either in labour or money, or to be imprisoned on failing to do either, but what guarantee has he that the road for which he pays or works, will be kept in proper order? And what punishment is meted out to those who are appointed to this work when the roads are out of repair—now, it may be said if one has damage done to his cattle or vehicle he may go to law to recover damages. It is not easy and convenient for one to go to law to recover damages as it costs labour, time and money; and consequently Government does not go to law to recover the road tax but instead imprisons one for debt with hard labour? We will reverse this and say the public are expected to keep the roads in order and the Government to pay for it. Would Government pay the public in case the roads have not been properly repaired and kept in good order? I should like to hear what the Hon. the Colonial Secretary would say if a person applied for money without doing the promised work in a satisfactory way. He would say: "Finish your work to my satisfaction first, and come for the money afterwards. The resthouse charges are prohibitive to labourers, and therefore why should there not be a shelter for them near to a resthouse? Shelters are provided for labourers in India and immigrant coolies arriving in Ceylon, but there are none for Sinhalese labourers. True there are ambalams built for travellers, by the charitable and pious Buddhists, but for every one in repair there may be four or five unfit to be used and only used as cattle sheds. It would not cost much to have a tiled roof supported on brick pillars, with one end to be used as a place for a kitchen and a well sunk near to it to supply water. This is for your Excellency's consideration. At the last sessions of this Council the motion made by me regarding the Road tax did not receive the support of the unofficial members. The reason for it was that they were not consulted. It was said by one of the hon. members to use his own expression:—

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 am exceedingly sorry if by an error or omission on my part, I should have given offence to the hon. unofficial members, but I can assure them it was not done intentionally. I have a precedent to shew that I have acted consistently. Some of the members may remember I once put a question and treated it as a motion. My question was to inquire if Government when the revenue of the country was in a satisfactory state, would reduce the tax on food. The two articles on which I wished the tax to be reduced were on Island grown rice and salt. When I put this question I did not consult the hon. unofficial members, nor do I remember receiving any support from them. Soon after this question was put the member for the Sinhalese in the maritime country called for a return showing the number of persons who were evicted from their holdings for the non-payment of the paddy tax or commutation, or grain tax. When this return was furnished by Government and the distress to the people was known, I again asked Government to consider the question, and to go back to collecting the tax in kind, and to reduce it to one-twentieth, instead of to one-tenth, which was the former rate. The people being too poor to pay the tax in money it would be better to collect it in kind as before. The Government considered this a retrograde movement. On this occasion I did not consult the unofficial members, nor do I remember receiving any support from them. Now, sir, what has become of the paddy tax? It has been abolished, or as some "say gone to the wall"—regretted by a few and to the delight of many, the mass of the people, and thanks to Sir Arthur Havelock. With regard to the remark made by the unofficial member that a good subject may be dealt with in a very bad way, I have to observe that a good subject will always continue to be a good subject whether dealt with in a very bad way or in a good way; but a bad subject however artfully put and argued will continue to be a bad subject until the end of time. One of the hon. members in a very able speech opposed any interference with the Road tax as it may tend to prevent the extension and the upkeep of our roads. I am exceedingly sorry to disagree with him on what he stated on that occasion. In the first place he said what I called a Road tax was not a road tax, but a statutory obligation for every male between the ages of 18 and 55 years to give six days labour every year, or to commute. I think from what is stated in the Ordinances, the repealed ones and the one in force, I may be allowed to keep to my opinion. The labour is for the roads &c. specified in the Ordinance and the commutation is to be spent for this purpose, but the fine only is to go to Or is it to deprive the debtor of his liberty when

Government. In the Ordinance No. 8 of 1848, 1 clause says :—

"Every male between the ages of 18 and 55 years residing within this Colony, excepting the Governor, Lieut.-Governor, Military and Indian coolies * * shall be liable * * * to perform six days' consecutive labour in each year upon the roads or other means of communication by land or water. Provided always, that it shall be lawful for any person to commute the performance of the whole such labour * * * by a money payment. Ordinance No, 10 of 1861. Clause 2. This Ordinance may be cited for all purposes as the Road Ordinance, 1861. Clause 49. Every male inhabitant between the ages of 18 and 55 years shall be liable to perform six consecutive days' labour in each year upon thoroughfares in this Colony or on works necessary for the formation, repair, or improvement thereof, or in the collection and preparation of materials required for such purpose, or any work sanctioned by the Legislation Council under the authority of this Ordinance 'Ordinance No. 31 of 1884,' which is in force: Clause 2. "This Ordinacce may be cited as the Road Ordinance 1861, amendment Ordinance 1884" clause 8; "every person whose name is inscribed in the returns * * * shall be liable to labour or the roads" * * * Clause 27. "The amount due by any person as commutation money shall be paid to a division Officer * * * or to the Chairman of the Road Committee * * * any money paid as such commutation money shall be deemed and taken to be a payment to Her Majesty." Clause 19—"Any penalty so recovered shall forthwith be credited to Government."

From this the Council will see that the Ordinance is a Road Ordinance, and the tax could be nothing else but a road tax, paid either in labour or money. The labourer who comes to give six days' labour on roads could not be put to any other kind of work for which the Ordinance does not provide. If, as the hon. member has said, it is a statutory obligation to labour, the labourer may be employed in constructing the Kelani bridge—reclamation of the foreshore, or any Government work. It has also been said that if the tax was reduced to a rupee all over the island, it would affect the revenue and the roads could not be kept in good repair. I was told when the Ordinance No. 8 of 1848 was passed the tax in the Southern Province was one rupee and the Ordinance came into force in 1850. When I said that the tax may be reduced to one rupee from R1·50 I should have said that I meant that the Municipalities should not be interfered with. I do not think that by reducing the tax to a rupee the revenue would suffer. On the other hand I think it would increase as it has been the case with the Postal Department—the reduction of the postage has increased the revenue instead of decreasing it. It would be the same case with the road tax; those who go to jail now as road defaulters would pay, and the prisons would get empty of defaulters, causing a saving to Government by not having to maintain them in jail; and also to prevent villagers being educated to crime and lawlessness, and after their discharge from jail to join the ranks of the criminal class of population in towns. The coffers of the Chairman of the Road Committee will also be filled to be spent on the upkeep of roads. I cannot see how making the tax one rupee all over the Island would be an injustice to the labourer who earns 17 cents a day, nor a very great gain to the man who earns 37 cents near a city or large town. In the former case the man lives in a place where living is cheap, the kind of food he eats costs less, the cloth he wears is less costly; and he is housed at a very small charge; whereas a labourer who lives close to the city, or near a town, has to spend more for his clothes, food, and lodging; and consequently no injustice is done to the one nor is there much gain to the other. If the road tax is to be made a consideration to one class of people and not to another, why should it not be with other taxes. All taxes should be made to suit the mass of the people. If the road tax is to be less in the North of the Island, why should the cloth, or calico tax collected at the Customs House be the same for all parts of the island. It has been said that if the tax was reduced to one rupee roads could not be opened where land is sold by Government to capitalists for plantations. It would not be proper to cause the labourer of a village to open out a road for a capitalist on which they may never walk. When land is sold to capitalists by Government the road should be opened by the capitalist and Government on the grant-in-aid system—both parties incurring the expense. I have not asked Government to abolish this tax, but to modify it, so that it may not press hard on the labourer. I know too well that when a tax is abolished how difficult it is to have another in its place. When I suggested that the Road tax should be collected and treated as a civil debt, I did not mean that summons should be served on one who could not pay a debt of R1·50 and his property restrained. What property would one possess who could not pay R1·50 to escape imprisonment? All that I wanted was that the debtor should be treated as a debtor and not as a criminal offender. Whenever the debt is paid he should be released; and when imprisoned he should be put to labour on the roads according to the Ordinance. It was said to collect the tax as a civil debt would be a vexation and annoyance to the revenue officers, &c. Sir, I have known revenue officers who have worked very hard, but I have not seen one who succumbed to it, although they have died from climatic causes, old age, or may be from accidents. But this could not be said of professional men employed in the service of this colony. Medical men have died in the discharge of their public duties of cholera and of small-pox and Crown lawyers have succumbed to hard and anxious work. Three Crown lawyers have left this Council, taken to their bed, and were carried to the grave. One was James Stewart, another Sir Richard Morgan, and the last though not least was our valued and much-lamented friend Sir Samuel Grenier. The hon. member also stated that a rich man, or well-to-do person, paid more of Road tax than the labourer by passing the toll twice in a carriage. Tolls are abolished in all civilized and enlightened countries, but here it is very much fostered, and not a Council session passes without either a new toll being established or an old one removed from one place to another. It is the case if one passes a toll twice in a carriage beyond the limited time a sum of R1·50 is paid. If the rich man passed the toll on foot like a labourer no toll is paid. The rich man drives through a toll for his convenience or to please himself; but when the labourer passes through the toll with a load of straw or firewood in a cart he does this as a necessity and for a living. Your Excellency driving through Kollupitiya must have noticed the number of carts fully laden driven into the city in the morning, and the number which leaves late in the evening in a row with their little lanterns lit. All these must have paid toll, but could the same be said of the carriages seen driving on that road? Of the well-to-do people who live about Mount Lavinia how many pass paying toll? All come by rail to the city and go back the same way. I made a remark sometime ago in this Council that the rich man who paid

the same tax as the labourer did more damage to the road. The labourer walks with his bare feet without crushing the smallest particle of gravel or brushing away the finest sand, while his well-to-do neighbour wearing a thick pair of boots, studded with iron nails, bruises the pebbles and grounds the gravel at every step. If it is the wish of Government to exempt the Tamil immigrant cooly who works on an estate from the road tax, let it be so but do not make the tax oppressive to the labourer of the country. The planters as a body have done the country good service by introducing capital and by their industry. Your Excellency must have noticed the coconut palms all along the Coast from Negombo to Matara. Most of these palms, as I was told were planted by order of the Dutch Government, and since that time only a few trees were planted by the side of the hut of a poor native, whose belief is that the palm would not thrive away from the human voice. But since the British planter opened out coconut estates in the north of the island, plantations of coconuts have extended, and chiefly by natives of the country and they form one of the chief industries of the island. At the same time I must confess that I do not agree with the reasons urged to exempt the Tamil cooly on estates. The first reason was that he was too poor to pay. Now if the Tamil cooly is too poor to pay and therefore he should be exempted, why should the Sinhalese labourer who is too poor to pay and too feeble to work from impoverished living be put to hard labour and on penal diet. H. E. the Lieut.-Governor has remarked that if the Road tax was hard on the Sinhalese labourer Sir Arthur Gordon, our late Governor, would not have passed an Ordinance which would in any way be oppressive to the natives. I quite agree with what has been said by His Excellency, but if Sir Arthur Gordon knew of what I had known, and saw what I had seen he would not have allowed the Ordinance to remain as it is without its being amended. One reason urged was that the labourer of the island paid the Road tax because it was proper for him to do so, as he walked on the road to his village and hut, whereas the Tamil cooly only walked on the road to his place of labour, and after his work was over he walked back taking his savings to be spent in his own country and not in the island. How far this reason is a sound one I must leave the hon. members to decide. It is said that the labourer of the country owns land which the Tamil labourers do not, and therefore it is just that the Sinhalese labourer should pay and that the Tamils should be exempted. Some of the Sinhalese owns one-fourth of a coconut tree, and the ground on which this tree is planted may not be more, taking the diamater of a circle 7½ feet, in which case he owns less than two feet of ground, barely enough for one to stand upon. Another argument was that the Tamil labourer having come to the island to better himself he should not be made to pay the road tax. If this is the case all those who come to this island to better themselves should be exempted the planter, the merchant, &c. When the Tamil labourer who works in town to a person with limited means as a carriage hirer or to a poor family as a kitchen help is expected to pay the road commutation, why should the Tamil working to a capitalist be exempted.

H. E. the GOVERNOR:—I see no reference to Tamils in any portion of your motion?

The Hon. P. D. ANTHONISZ:—No, I am merely explaining with regard to my last motion which I had no opportunity of doing.

H. E. the GOVERNOR:—That is out of order. You must stick to the motion now before the Council.

The Hon. P. D. ANTHONISZ:—It is part of the explanation—it is one of the reasons.

H. E. the GOVERNOR:—You must confine your remarks to the subject of the motion now before us.

The Hon. P. D. ANTHONISZ:—I have nothing more to say with regard to the Tamil coolies and the tax, Now, sir, I come to another part. The Inspector-General of Prisons has furnished Government with a very able Report in which he states the treatment road defaulters receive in jail. I shall read the portion of the report regarding road defaulters:—

"The figures with reference to the road defaulter are, as it seems to me, well worthy of consideration, indeed the history of the road defaulter, if fairly written would supply many instructive lessons in prison management. There have always been two theories with reference to the road defaulter, On the one hand, it was contended, the defaulter has failed to perform his duty to the state—were he a French conscript, the justice of his imprisonment would not be questioned; on the other hand it was maintained. This poor man, whose only offence is poverty the inability to pay two rupees, why should he be treated like a criminal? The mode of dealing with the road defaulter for many years was really an attempt to make the responsibility of dealing between those two irreconcilable theories. The man was sent to jail as a punishment for having failed in his duty to the State, but was treated while there as if his only offence was poverty. The supporter of theory No. 1 was met by the perfectly true statement, 'the offender has been punished'; the supporter of theory No. 2 was silenced by the perfectly true statement, 'the poor man is really better off in jail than in his own village.'"

Here are two theories propounded regarding road defaulters. In the first theory, that if the road defaulter were a French conscript he would be punished by imprisonment for having failed to do his duty. I may observe that the Road defaulter has failed to do his duty as any debtor has failed to pay his debt, and therefore he should not be treated as a criminal offender, but as a debtor and released from obligation when the debt has been paid either in labour or money. Conscription is to serve in the Army or Militia for a period of years, but in the case of the road defaulter it is different. The Road tax is an annual payment either in money or labour. When there is nothing like conscription in Her Majesty's dominions I cannot see why we should have it here where we have a Volunteer Infantry, Artillery and Mounted Infantry. I therefore think that a road defaulter has no right to be considered a conscript and treated as such. The second theory is that it would not be proper to treat a road defaulter as a criminal being on account of his poverty unable to pay R2. No one ought to be treated as a criminal who has not committed a criminal offence. The Inspector-General of Prisons states that "The supporter of theory No. 1 was met by the perfectly true statement, the offender has been punished." Punished for what? For a debt as a criminal offence, and not for a criminal offence which he has committed. He writes that "the supporter of theory No. 2 was silenced by the perfectly true statement:—The poor man is really better off in jail than in his own village." Is this acknowledged by the poor man, or is it a statement made by a few thoughtless people who think a great deal more of what they think and say than the world thinks of them, Is there any reason to believe that a

man ever so poor and in a state of semi-starvation would prefer to be removed from his village and family and cast into jail to undergo penal diet and hard labour, and to be disturbed and made uncomfortable both day and night, at night by the cry of the sentry, and during day by the noise of the coir beating, thump, thump, thump and the cracking noise of the hammer on broken pieces of metal, and the jingle and rattle of the chains of the convicts. A person who would prefer this kind of treatment in jail to being in a humble hut must have taken leave of his senses. The Inspector-General of Prisons writes that since he has introduced his new system of treating prisoners in jail since 1891 the number of Road defaulters in jail has decreased. This is what he reports:—

"When the labour system was abandoned, the present mode of treating the road defaulters was introduced. This system, without settling the vexed question which has been discussed for over 20 years, simply lays down the apparently incontrovertible doctrine, that if a man is sent to jail he must be treated while there in such a manner as to render it impossible that he will return."

From this, sir, we must conclude that road defaulters were treated according to the new system with severity to prevent their returning to jail. I do not know if Your Excellency has noticed on Your Excellency's visits to the jail the condition of the road defaulters brought there and other offenders. The one class is well nourished persons, and the road defaulters, as a rule, are half starved men, with impoverished living, have a bloodless look and a feeble circulation; and persons in this state of health when put to hard labour and kept on penal diet cannot but succumb to disease. The Inspector-General of Prisons in his report admits that diarrhœa was very prevalent, and the return furnished by the Medical Officer in charge of the jail shews that in 1892 among 2,070 prisoners affected with disease of which some died 1,065 were cases of diarrhœa, and the remaining 1,005 of other diseases, thus shewing that more than one-half was of diarrhœa. Of deaths there were 70—of these 34 from diarrhœa and 36 from other diseases—two less for one-half of the deaths from diarrhœa. The penal stage and the next stage (IV class) had the largest number of sick. The total number of sick admitted was 3,247; of these penal stage 1,348, IV class, the next stage 1,255, other stages including unconvicted prisoners 644 From this return we find that more than two-thirds of the sickness occurred in the penal and the next stage, 4th class. Here are remarks made on a return of road defaulters sent to jail from 1877 to 1892:—

"The results of this decision, arrived at in the end of 1890 shews a falling-off of 883, while that for 1892 shews a further diminution of 1,320."

The figures for 1892 are over a thousand lower than those of any return on record."

The number of Road defaulters decreased long before the new system was introduced. In 1891 there was a decrease of 883, and in 1892 of 1,302—but how comes it that the decrease was greater in 1890 than in 1891 92—1,403. Sir, poverty and crime go together. This is easily shown by the Inspector-General of Prisons' own figures. Before reading these figures I should like to explain myself. Your Excellency is aware that when our coffee industry failed there was great distress in all parts of the country, chiefly in places where the coffee grew, until the tea industry came to the front. It was I think in the year 1885, or 1886, or about that time that an Exhibition was held in Kandy, where it was shown what fine teas the country could produce and the gold and silver tips exhibited were much prized. From that time I think the country showed progress, and within the last few years the revenue was increasing, and the industries were expanding—the coconut industry was very progressive—tea was largely manufactured and shipped—plumbago until within the last few weeks was largely exported to Europe and America—it was the same with many other of our exports—and thanks to Your Excellency, Railway Extension was going on and actively carried on by the railway constructor and his staff—no one could doubt that all these industries and works gave occupation to labourers and others, and to them is due, in a great measure, the decrease of the number of Road defaulters in jail and not so much to the treatment they receive there. What treatment would make a man pay who has no money to give—it would be like trying to get blood out of a stone. What treatment would make a man do a hard day's work who is too feeble to work and in a bloodless condition. It would be like putting a heavy weight on a piece of straw, only to crush it. Before I read the list of Road defaulters from 1877 to 1892 as given by the Inspector-General of Prisons I must ask Your Excellency's permission to read the list together with my remarks. In 1877 there were 3,251 road defaulters in jail; in 1878 the number was 8,129; giving an increase of 4,878 when compared with the previous year; in 1879 the number of defaulters was 7,532, giving a decrease of 597, compared with previous year—In 1880 the number was 8,611, an increase of 79 compared with previous year. In 1881 the number of Road defaulters increased to such an extant as to draw the attention of the Government authorities to it; 14,839.—This is giving an increase of 6,228 when compared with the previous year. In 1882 the number was 15,147 giving an increase compared with previous year of 308. In this year it is stated that the greatest distress was felt in the Central Province from the failure of coffee and the sale of lands of the peasantry or goyiya for non-payment of the grain tax. A relief work called the Bodi-Eli scheme was undertaken to afford relief to the starving people. The first paragraph of the prospectus is as follows:—

"During the years from 1882 to 1885 large numbers of Kandyan villagers in the Nuwara Eliya District were ejected from their ancestral holidays by the sale of their paddy lands for default in the payment of paddy tax, to lead a vagabond life and eke out a miserable existence by pilfering in the villages, to migrate to towns and swell the criminal population of the country, or as was often the case, to die of sheer starvation in the jungle."

In 1883 the number of defaulters was the largest, 15,283, the increase compared with previous year 136; and in the same year the number of persons convicted before the Supreme and District Court was the greatest—(Supreme Court 635, District Court 592) From this year the reduction commenced and the increase was less marked after 1881. In 1884 the number of Road defaulters was 14,838, and there was a decrease of 445 compared with previous year. In 1885 the number of defaulters was 12,654, a decrease of 2,184 compared with previous year. In 1886 the number of Road defaulters was 7,911 and the decrease compared with previous year 4,743. The greatest decrease took place in this year as the greatest increase was in the year 1881. In 1887 the number of road defaulters was 4,345, and the decrease compared with previous year was 3,566. In 1888 the number of road defaulters was 4,902, and instead of a decrease there was an increase

compared with previous year of 557. The same occurred in 1889—the number of defaulters was 5,791; giving an increase compared with previous year of 889. The only way that one may, I think, account for this increase is, the distress in Uva about that time. This is the report of the Uva Province for 1888 by the Government Agent:—

"In the lower division the scarcity of food was so great that the people subsisted largely, and for some months, upon jungle produce, and their condition was most deplorable. Much sickness resulted from insufficiency of food and bad water, and the death rate for the year is one of the highest on record. The people of the upper division fared better, but even their food supply was materially diminished by the failure of the chena crops and the scarcity of food was universal." * * *

In 1890, before the new system of treating prisoners in jail was introduced, the number of defaulters was 4,388, a decrease of 1,403 compared with previous year. In 1891 the number of road defaulters was 3,505 a decrease of 883; and in 1892 the number of defaulters sent to jail was 2,185; the decrease compared with previous year was 1,320. The Inspector-General of Prisons further states:—

"I venture to predict that if the present system be resolutely persued, the road defaulter will have disappeared long before the final decision of the knotty question to which his imprisonment gave rise."

I have no doubt in my mind that such would be the case; for the road defaulter would not have a chance of coming to jail again, he would be in the land from whence no one returns dead buried and gone to mother earth. A remark made by the Inspector-General of Prisons deserves some notice. This is what he writes:—

"It is however difficult to reconcile these figures with the theory of those who maintain that it is poverty and not idleness that sends the road defaulter to jail."

There is no doubt that the labourer in this country is not so active or industrious as his fellow-labourer in Europe or America; and yet if one were to take into consideration the inadequate nourishment a labourer gets, and living in a malarious and exhausting country, with a deficient supply of good water, no one would deny that he does a good amount of work under the circumstance. Sir Hercules Robinson who was often told of the laziness of the people was informed by a gentleman long connected with the island that he was misinformed, and he afterwards admitted that the people were not so idle as it was represented to him when he commenced to govern Sir Henry Ward who was the first Governor who travelled in distant parts of the island, expressed that the people were "second to none in intelligence and industry." Your Excellency may have noticed the vast extent of continuous or unbroken land under tea cultivation on the line to Nuwara Eliya. All this land one time was under coffee cultivation, and before that it was a dense forest. Who felled the forest for cultivation, and sawed the huge logs of timber to build the planter his cottage and his stores? The Sinhalese labourer and no one else. The Sinhalese about the Banks and merchants warehouses prove that when in good health, with good food and lucrative work before them, they are not less active than their neighbours. If the Inspector-General of Prisons thinks that things mended in 1884, which was the year the present Ordinance was passed, I have to remark that the decrease of the road defaulters took place in 1884, but the Ordinance was passed by the Legislative Council at the close of that year 10th December 1884—received the assent of the Governor on the 17th December 1884 and came into operation in 1885, shewing that passing of the Ordinance could not have effected the decrease of defaulters. A remark made by the Inspector-General of Prisons is worthy of consideration.

"It is well to pause before sending a man to jail, but once he has been sent there it is madness to treat him with leniency."

I do not think that it was ever contemplated by the framer of the Road Ordinance that when option was given to the Chairman of the Road Committee to fine or imprison a defaulter that a fine should be refused, when it could be paid, and that the defaulter should be sent to jail to undergo hard labour and penal diet. The tax as I have said is a payment to Her Majesty's Government, and when the payment is made with a fine why should it not be accepted, instead of sending a debtor to gaol to be treated as a criminal. One of the members said that the Chairman of Road Committees are considerate persons and would act fairly with regard to the people. I quite agree with him but our misfortune is that they are human—and to err is human. Errors committed from over zeal in the discharge of one's duties do not assist in the performance of that duty, but on the other hand they have quite a contrary effect. Sending debtors to jail who could pay is only filling our jails with defaulters; it is a loss to the revenue and an expense to Government to feed defaulters in jail, to the individual it is an injustice depriving him of his living and his liberty being incarcerated in jail; disgracing him and taking away his good name and character. It was told to me that a question was asked of a witness in Court—have you been in jail? This is done with the object of taking away his character. It would be well if the Chairman of Road Committees would have a little more consideration before sending a Road defaulter to jail, but I am sorry to say that the consideration is shewn to persons in position only as some of the members of Council must know. Here is a case in one of our local papers, whether rightly reported or not I am unable to say. A person who worked in Nuwara Eliya came over to his village to follow the funeral of a relation, when he was arrested as a defaulter and taken before the Chairman of the Road Committee who ordered him to be sent to jail. The man pleaded that he had paid the tax in Nuwara Eliya, but he had not the receipt with him but would get it. No, to jail he must go. He begged that he might be allowed to pay the fine of R10, according to the Ordinance and a further sum of fifty rupees to a charitable institution, as detention in jail would lose him his occupation as well as his good character. No, to jail he must go. Is this jealous discharge of duty to remind one to pay his debt in time? Here is a man whose original debt was R1·50 sent to jail although promised to pay R60 for the R3, the double commutation due. Time ought to have been given to the man to produce his receipt, as no one who resides in a place for more than three months could escape payment of Road tax. If the man had not his receipt from his village he would have been bound to pay the tax in Nuwara Eliya. Punishing a Road defaulter with severity when sent to jail for the first time is a severe measure. In the first place he is punished not for a criminal offence but for non-payment of a debt to Government; and 2ndly, when criminal offenders are leinently dealt with at the first offence, is it just to be severe on Road defaulters who are not criminals I am not prepared to say what may be the opinion of the members of this Council with regard to this motion, but it is my firm belief

that it will not only receive your Excellency's consideration, but that your Excellency will extend your kind sympathy to those over whom Your Excellency has come to rule.

The Hon. M. C. ABDUL RAHIMAN :—Sir, I beg to second this motion, the tone of which is very moderate, and I hope Your Excellency will give due consideration to it. The Ordinance requires amendment, and the time allowed for single rate collection should be extended to the end of June, instead of February. Sir, the Road tax collections should go to road making and not for resthouse constructions, which do not benefit the native contributors.

The Hon. the AUDITOR-GENERAL :—Sir, before I speak to this motion I should like to do justice to the motives which I am sure have actuated the hon. member who has brought forward this motion. I believe he has been impelled by a feeling of humanity, and I would beg that it may also be believed that those who are not able to entirely agree with the terms of his motion are actuated by humanity. Both have the same end in view; both desire, I believe, that there should be no road defaulters, or if there are any that there should be as small a number as can possibly be found, and also that the least possible suffering should be caused to the community from the penalties which are almost inseparable from the exaction from any large number of persons of an obligation to the Crown. The hon. member asks that the Ordinance should be amended in four different ways. The first is that the fine of R10 imposed on road defaulters should be discontinued. I believe, sir, that what is actually alluded to is some words in the 18th clause of Ordinance 31 of 1884, part of which I shall take the liberty of reading to Council, namely:—

"Any person arrested under the provisions of this Ordinance shall be taken without delay before the Chairman of the District Road Committee according to the terms of the warrant, and the Chairman before whom such person shall be brought, shall inquire into the charge on which such person was arrested, and upon being satisfied that the party arrested is the person against whom the warrant was issued, and that the offence mentioned in such warrant was committed by such person, shall, and is hereby required, by warrant substantially in the form B of the schedule to this Ordinance, to commit such person to prison, there to be detained at hard labour for the period of one month."

That is the penalty which is imposed on defaulters; but there is a proviso to this effect:—

"Provided that the Chairman before whom any such person shall be brought may, in his discretion, in view of committing such person to prison; adjudge him to pay a penalty of ten rupees."

The penalty of R10 is not at all necessarily imposed upon the defaulters, and this is really a merciful provision whereby if a defaulter can give a good cause he may merely be fined. I would remind the Council that a man is only brought before the Chairman of the District Road Committee when after having received notice he has failed to perform his obligation, and failed to work for double the original period. He has committed two defaults before a warrant is issued and he is brought before the Chairman. After these two defaults the law is that he should go to prison for a month, but the Chairman may in his discretion, give the option of a fine of R10. The motion so far as it asks that merciful provision to be discontinued, and taken *per se*, would make the Ordinance more stringent than it is at present. If you take away that particular provision there is nothing left except that a man should go to jail for a month. The second part of the motion is that the double commutation due by road defaulters after a warrant of arrest has been served, or while in jail, be accepted by the Chairman of the Road Committee. That taken by itself would in the same way make the Ordinance more severe on the defaulter than at present. The third part of the motion is that whenever the double commutation is paid (at the time of arrest, or after it; or when the defaulter is in jail) the defaulter should be released forthwith. To that I think there are very strong objections. Practically that makes double commutation the only penalty for a person who has failed to fulfil a statutory obligation to work for a certain number of days and again failed to work for double that period. Of course the amount of commutation varies in different districts, and I may also say that of course there are cases in which a man has not elected to commute, but I presume it is the object of the hon. mover of this motion that every person should be supposed to commute. I may at once say, sir, that a penalty so slight would not prevent us having a great number of road defaulters. If this motion were carried and a bill adopted embodying this provision of the hon. member, we might confidently expect—and I think there is no officer of any experience in this Colony who will not endorse what I now say—that the number of defaulters would increase and go on increasing. To those who perhaps have no very fixed place of abode, those who may work in more than one village,—and there are a great many of them—the temptation to evade if possible this provision of the law is very great. To meet such a temptation it is necessary to have such a provision of law as will make it very disagreeable indeed to evade the law, and the double commutation merely, would be so very slight a penalty that practically it would not prevent any person from attempting evasion. The fourth part of the motion is that in cases of imprisonment the defaulter should not be put to hard labour as a criminal, but should be worked outside the jail, according to the requirements of the Road Ordinance. Sir, there is no requirement in the Road Ordinance which makes it necessary that a defaulter should be worked outside the jail. I think the hon. mover is not quite familiar with the law when he frames his motion in this way. There is provision for a man working off a statutory obligation outside the jail, and also double the statutory obligation for default, but there is no such provision as to working outside the jail for a man who contumaciously refuses to work at all, or abstains from working at all. It is quite impossible that there should be such a provision. In the first place it has been tried by Government and it has failed. It has been stated today that it is very easy to build a sort of small shed, cover it with tiles and house the defaulters there. That looks a simple thing, but the difficulty would be to enforce discipline in such a place. Everybody knows that to prevent escape jails have to be built uncommonly strong, and such a temporary building as sketched by the hon. mover, would not, I am afraid, be of much good in the detention of persons. In the next place the law does not recognise such a place as a prison; and in the third place we have not a sufficient staff of jail guards to look after such places. In the fourth place if we put up such a jail at a place where there were gathered at one time of the year any large number of defaulters, say 200 or 300, the men would probably do all the work possible in the locality before a month

was over. We should then have to build another of these temporary prisons, and in that way we should have to build a great number in the course of a year. To attempt to carry out prison discipline under such circumstances would be entirely useless, and I am afraid also that there would be great difficulty in supervising the prisons in such places, seeing that everybody was properly fed and looked after and so on. I believe the Inspector-General finds it difficult as it is to carry out discipline in the jails under his charge, and if to these were added an enormous number of quasi-temporary jails scattered all over the island with temporary officers in charge, I believe the difficulty of supervising would be almost insuperable. We could not expect proper discipline to be carried out, and a very short experience would suffice to show that it was quite impracticable to carry out such a system. The hon. gentleman who has proposed the motion has quoted from the report of the Inspector-General of Prisons, and I am glad that he has quoted a great deal of it as it will save me the trouble of doing so; but I should like to refer to one or two passages which the hon. member did not quote. In his Administration Report for 1892 the Inspector General of Prisons speaking of the former treatment of the road defaulters when it was thought that the defaulter ought not to be treated as a criminal said :—

"The system was no doubt based on mistaken ideas of humanity: it is to be feared that these ideas have not quite disappeared, but it is hoped that the present returns will induce those who favour a lenient treatment of prisoners to reconsider the question. No punishment can be merciful which is not deterrent; it is cruel to the man punished, because it is useless—the man will commit the offence again; it is doubly cruel to others whom the mistaken leniency may lure to the commission of the offence. It is well to pause before sending a man to jail, but once he has been sent there it is madness to treat him with leniency. The system has been tried, and the unnecessary imprisonment of over 80,000 men has been the result."

That point, sir, about unnecessary imprisonment is one which I should like to impress very much upon the Council. A certain number of these may have been cases of men imprisoned two or three times, but a very large number has been the result of this mistaken leniency. If the Council today favours a return to that leniency we shall have a return to the old state of things; we shall have a large number of persons treated, I cannot say exactly as criminals but as quasi-criminals, with a very bad effect upon them and upon the public. I wish to point out that the hon. gentleman who moved this motion was not quite logical in the way in which he would have the defaulter treated. He says you have no right to coerce a man at all. Of course in saying that he is not considering the primary obligation to work on the roads for a certain number of days. The hon. gentleman ignores that and talks simply of the amount for which the Crown is willing to allow a man to commute, as if that were the man's obligation. I would point the commutation is not the man's original obligation to Government, but simply a sum that the Government is willing to accept in lieu of the obligation. The hon. gentleman says: "Get from the defaulter that sum if you possibly can, but you must not coerce him." Then rather illogically he says: "You may put him in a temporary prison 20 miles from town and keep him there for a certain time." Well, I cannot see how that can possibly be done without a good deal of coercion. In my private opinion, in very many cases, the position of a defaulter in a prison of that kind at the mercy of whoever may be in charge of it for the time being, would be worse than the position of a defaulter in a well-regulated, regularly visited, well-administered prison. It seems to me that there is no half-way house between no coercion at all and properly administered coercion in a well administered jail. If you have no coercion at all then the road obligation becomes a voluntary contribution. I believe that many of the Hospitals in London are kept up by voluntary contribution, but I am afraid the result would not be so successful in Ceylon as in London. I am not sure that I thoroughly grasped the argument of the hon. mover with regard to the large increase of defaulters which took place from 1887 to 1883 and the large diminution that has taken place subsequently. I think his argument was that the increase of defaulters was due to the distress in the country and the diminution to the good circumstances of the country. I think, sir, if that theory is correct we ought to have a more close demonstration of it. The hon. member might have taken the figures for districts which were not affected by the leaf-disease on coffee, the Northern, Eastern and Southern Provinces, and he had shown the number of defaulters to be about constant in those Provinces whereas an enormous increase of defaulters had taken place entirely in districts affected by the calamity which overtook the coffee industry, then I think he would have established his case. He has not attempted to do that, but simply stated that that may account for the increase. I was serving in Ceylon at the time, and while I will not trouble the Council with all the reasons for this increase, I may say it was not entirely due, although it may have been due in some considerable measure, to the collapse of coffee. I am pretty well acquainted with the figures, and I know that the increase was not principally due to that reason. With regard to the subsequent diminution, the hon. member pointed out that it was arrested in 1889, and in fact that there was rather an increase then, and I think he attributed that to temporary distress in Uva. Now it is well to examine the figures for the Province of Uva for the year. The difference between 1888 and 1889 is an increase of, I think, 889. The number of persons imprisoned in the whole of Uva for default in 1888 was 18, and the number in 1889 was 3. So far from there being an increase there was a very considerable decrease, and the number altogether was a mere bagatelle. I attribute that increase to variations in the way in which the Ordinance has been carried out, on account perhaps of changes of officers in the districts. It is very satisfactory indeed, sir, to observe that in the whole the tendency has been to decrease since the coming of this Ordinance into operation, and it is extremely satisfactory to find that in the last year of which we have statistics, 1892, there is the smallest number of prisoners of any year on record, 2,185. I only hope that this will continue, and that we shall be able in future years to show that the number of defaulters has gone on decreasing. In that way we shall be doing all that humanity possibly can do. It is very much to be regretted, of course, that a law of this kind cannot be carried on without coercion, but coercion being necessary I am persuaded, and I believe that all men of experience in this colony will be persuaded, that the best thing that could happen to contumacious defaulters is to put them in jail. That being my opinion, sir, I feel it my duty to oppose the motion.

H. E. the Governor.—Does the hon. member wish a division taken on his motion?

The Hon. Dr. P.D. Anthonitz.—No, sir, I leave it to Government.

The subject then dropped

GALLE WATER SUPPLY.

The Hon. A. DE A. SENEVIRATNE moved for papers relating to the condition of the water supply of the Municipality of Galle, and to ask :—

(1) From what date a water-rate has been or will be levied by the Municipal Council of Galle under the provisions of Ordinance No. 2 of 1890.

(2) Whether the water supplied to the Fort Division of the Municipality of Galle is fit for human consumption.

He said:—Sir, under the 4th clause of Ordinance 2 of 1890 the Municipal Council of Galle were empowered to impose a water rate on the annual value of all houses, buildings, lands, and tenements other than the property of the Crown within the limits of the Fort division of the Galle Municipality for the purpose of paying off the money borrowed from Government for the construction of water works. Complaints have reached me that the water supply of the Fort division of Galle is not fit for drinking purposes. Some water was sent to me as a sample of what is supplied to the town and I submitted the water to H. E. the Lieut.-Governor to have it examined. There was also a report of analysis published, and according to that report the water is not fit for use. However, it was with the view of eliciting the truth about the water that I gave notice of this motion. If the water is not fit for drinking I do not think that the rate-payers should be asked to pay the rate until the water is made fit. I do not know whether the rate is levied yet or when it will be levied; and though I framed the question in an indefinite form because of my want of knowledge on that point I have been informed that the ratepayers did receive notice asking them to pay. I have also given notice of motion for papers. When I gave that notice I did not really mean that I should be supplied with the papers so much as that I should be able to discuss the question.

The Hon. M. C. ABDUL RAHIMAN:—Sir, I beg to second the motion. Last week I maintained that our Government Agents comprised some of the ablest officers, one in particular being the promoter of the Galle waterworks. But every person is liable to make mistakes, even the worthiest. Such an officer, for instance, as Sir Charles Layard was not free from that, and one of his famous undertakings is also classed as a folly, because the work was only partly done. But hereafter that will be one of the chief floodoutlet. So the waterworks of Galle until properly completed and are distributing good water will I believe take the name folly. The amount spent will not be a waste. There are good streams of water to be obtained within some miles, and when the reservoir is connected with a feeding pipe from the stream the Galle water supply will be a blessing. At present it is perfectly useless and may be called the Galle water folly.

H. E. the LIEUT.-GOVERNOR.—Sir, in reply to the first part of the hon. member's question I may say that the Municipal Council of Galle have been called upon, not unnaturally, to pay the interest due on their loan. They in turn, not unnaturally, proceeded to raise the ways and means wherewith to do it, and they levied a rate which was to be payable from 1st July. On a petition presented to Government reference was made to the Municipality and they replied in the end of July that no rate had been levied. They admitted the temporary unsatisfactory character of the water and they said that no rate was or would be levied until they consulted further with the engineer and a decision of the Council had been arrived at. If the creditors of the Council are prepared to forego their interest then the Municipal Council may have no objection to postpone levying the rate; but the Municipal Council have undertaken the work on behalf of the residents of the Fort, and it is only reasonable that they should claim the rate whether the water is to their satisfaction or not. I may say that if interest on loans which are made for water and other useful works, is not punctually and promptly paid because of some difficulty arising, it will be a great discouragement to make advances. As an ordinary matter of business a loan would not be given on terms of that kind. A creditor would not forego his interest on a loan for the reason that the work for which the loan was given was not so satisfactory as it was hoped it might be. With regard to the character of the water I may say that attached to the petition which was presented at last meeting of Council there was a report of a very recent date by Mr. Burnett, analyst, stating that the water was not fit for human consumption. I believe Mr. Burnett to be a competent authority, and for the present I accept his statement with regard to the water. I am under the impression that without, of course, any intention to mislead those who have got up the agitation against the water supply have not been altogether fair in the sources from which they have obtained the water. I infer that from the two samples put before me the sample shown me by the hon. member was thick and milky, while a sample I had seen previously was of a yellow colour as if impregnated with iron. I should like to say, too, that the Municipal Council of Galle before embarking on this undertaking referred to a competent, authority as to the character of the water, and the report was that it was extremely satisfactory. I do not wish to attach too much importance to newspaper reports, but I notice in one of the papers since the petition was presented to this Council, an occasional correspondent says "Our water-supply is now giving every satisfaction and the water is clear and drinkable. I think Mr. Abdul Rahiman's petition on behalf of a section of the inhabitants of Galle needs no attention now as there is absolutely no cause for complaint."

The Hon. M. C. ABDUL RAHIMAN here interposed a remark that the recent rain filled in up to the edge of the reservior.

H. E. the LIEUT.-GOVERNOR continuing said—I do not guarantee the correctness of that statement. I merely mention it as one that has been made presumably in good faith as it has been accepted and published. Of course the people are not obliged to drink the water though the interest on the money borrowed for the construction of the waterworks must be paid. I understand the motion of the hon. member is merely a formal one and, having give an explanation which I trust is satisfactory to him, I presume he will forego the motion being put.

The Hon. A. DE A. SENEVIRATNE indicated that he would, and the matter dropped.

THE SUPPLY BILL.

H. E. the LIEUTENANT-GOVERNOR moved the first reading of "An Ordinance for making provision for the Contingent Services for the year 1894." He said:—This ordnance, sir, makes the appropriations the details of which are set out at full length in the Annual Estimates which I laid before the Council today with Your Excellency's Message. In that Message all the principal points in the budget are touched upon and explained, and in the Address with which your Excellency opened this Council the general financial statement of the colony was put before the Council. A measure of this sort, made up of so many

details, can be more thoroughly dealt with either in the first examination which the bill will undergo in Sub-Committee or subsequently in the Committee of Supply. It is perhaps unnecessary that I should explain to members that the difference between the total of the Supply Bill consists in amounts which are already provided by permanent laws, namely:—Interest on Loans R2,151,308; Military Contribution R1,266,828; Payment to Irrigation Fund R200,000; Interest on Widows' Pension Fund Deposits R16,500; Fixed salaries R1,877,664—total R5,512,300. There is only one matter on which I should wish to offer a word of explanation and that is in connection with the vote for the reconstruction of Giant's Tank. Some papers which were not laid on the table of this Council, were prematurely and by mistake published respecting the Giant's Tank, and I would state that the estimate has not been finally made nor the scheme based on the estimate accepted. Correspondence is still in course, and it is hoped that the cost of it will be considerably reduced below the amount stated in the papers so prematurely presented. With these observations I beg to move the first reading of the Supply Bill for 1894.

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

H. E. the LIEUT.-GOVERNOR gave notice that at the next meeting of Council he should move that he bill be read a second time.

THE PETROLEUM ORDINANCE.

The Hon. the AUDITOR-GENERAL.—Sir, I beg to bring up the Report of the Law Officers of the Crown on "An Ordinance to amend the Petroleum Ordinance 1887," and move that it be read by the Clerk of the Council.

The Clerk having read the Report,

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

The Hon. the Acting GOVERNMENT AGENT, W. P., seconded, and the bill was read a third time and passed.

THE SALE OF OPIUM AND BHANG.

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 relating to the sale by retail of opium and bhang within Municipalities and Local Board towns," and move that it be read by the Clerk of Council.

The Clerk having read the Report.

The Hon. the GOVERNMENT AGENT, C.P., moved that the bill be read a third time and passed.

The bill was passed accordingly.

THE JOINT STOCK COMPANIES ORDINANCES.

On the motion of the Hon. the ATTORNEY-GENERAL Council went into Committee on "An Ordinance to amend the Joint Stock Companies' Ordinances 1861 and 1888" when on his motion also the figure 3 was inserted in the first clause making the title "The Joint Stock Companies' Ordinance 1893," and the figure 4 in the third clause making the date upon which the Ordinance shall come into operation, 1st Jan. 1894.

Council then resumed when the Hon. the ATTORNEY-GENERAL reported the bill as amended, and moved that it be referred to the Law Officers of the Crown which was agreed to.

PREVENTING THE DESTRUCTION OF BIRDS, BEASTS AND FISHES.

The next item on the agenda was the second reading of "An Ordinance to prevent the wanton destruction of birds, beasts and fishes not indigenous to this Colony."

The Hon. the GOVERNMENT AGENT, C.P. said:—Sir, I would ask the permission of Council to allow the motion which stands in my name for the second reading of this bill to stand over until the next meeting but one of the Council. Agreed.

THE SAFE TRANSIT OF GOODS, PRODUCE AND MERCHANDISE.

H. E. the LIEUT.-GOVERNOR:—Sir, I beg to move the second reading of "An Ordinance to ensure the supervision and safe transit of goods, produce and merchandise from one part of this island to another."

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

On the motion of His Excellency the LIEUT.-GOVERNOR, the Council went into Committee on the bill. In the fourth clause of the draft the period during which the Ordinance should continue in force was left blank and

H. E. the LIEUT.-GOVERNOR referring to that said:—Sir, the only question here is whether the Ordinance should be a temporary or permenant one. When the first Ordinance was passed in 1885 it was to be in force until the end of the following year or the close of the session then sitting. The Ordinance, however, had been renewed for periods, the last period expiring at the end of last year. When the Ordinance was introduced in 1885 the temporary limitation of the time of operation was fixed because it was felt that the Ordinance would be re-enacted at the end of the year if it was found to work satisfactorily and if such special protection was still desirable. I think it may be said that both these conditions have been fulfilled, and the question for consideration by this Council now is whether the Ordinance should be made permanent and this limiting provision struck out. The Ordinance is only brought into operation in such districts as the Governor may think fit. I move that this clause be struck out.

The Hon. W. W. MITCHELL:—I think it is very desirable that this clause should be deleted, and that the Ordinance may well be made a permanent one, because in all likelihood it will be a long time before the Rakwana District and all along the Ratnapura road is served by railway.

The Hon. A. DE A. SENEVIRATNE:—Sir, although Rakwana may not perhaps be connected with Colombo by rail for a long time, is the time so far distant when Ratnapura will be connected? It is not from Rakwana, but as a matter of fact from Ratnapura that the boats bring produce to Colombo. I think it would be better to enact the Ordinance for a period. I do not think any inconvenience will be caused by that, because it can be re-enacted.

H. E. the LIEUT.-GOVERNOR:—What is the objection to making it permanent?

The Hon. A. DE A. SENEVIRATNE:—Well, because we have had it periodically and it has worked satisfactorily. Where is the necessity now for making it permanent? We can enact it to continue for two or three years.

The Hon. the ATTORNEY-GENERAL:—Sir, I would suggest to the hon. member that if the second reading of the bill is taken omitting the fourth clause, His Excellency the Lieut.-Governor might move to recommit the bill on the third reading for the purpose of introducing a clause giving power to cancel, alter and amend &c. Proclamation issued under the first clause. I think this suggestion will meet the wishes of the hon. member. The bill can be now sent to the Law Officers of the Crown, and when the Report is brought up I will undertake to have a clause

drafted and the recommittal of the bill can then be moved for the purpose of inserting the clause.

This was agreed to; and in Council resuming, the bill was reported as having passed the Committee and was then referred to the Law Officers of the Crown for report.

THE PREVENTION OF ACCIDENT BY GUNPOWDER AND OTHER EXPLOSIVES.

The Hon. the TREASURER :—Sir, I beg to move the second reading of "An Ordinance for the prevention of accidents by gunpowder and other explosives." It is not my intention to detain the Council at this late period by any further remarks on this bill. The Council will recollect that at last meeting I asked permission to postpone bringing forward the second reading until today in order that H. E. the Major-General might be present. I have since had the opportunity of conferring with the hon. and gallant member and he has been good enough to say that he will sit on the Sub-Committee which it is my intention to propose for the consideration of this bill. I will, therefore, say nothing more now, but move that the bill be read a second time.

The Hon. the ATTORNEY-GENERAL seconded.

H. E. the MAJOR-GENERAL :—Sir, it will afford me the greatest pleasure to sit as a member of the Sub-Committee. I think it well that I should make a few remarks on the bill generally—not that I wish to find any fault with it, because I agree generally with the principle; but as the military have a good deal more to do with powder than any other body in the community I think a few additional clauses necessary. I do not think Your Excellency or any member of this Council is aware of the considerable amount of powder that there is in the Welikada magazine. It is not advisable that I should publish the amount that is there but if Your Excellency thinks it advisable I will do so. (The hon. and gallant member here handed a statement to His Excellency remarking that it might be circulated if necessary.) There is, as I said, a considerable amount of powder there and it is not likely to be reduced at all. In fact I should say that it is rather likely to be increased. The colony is now committed to the Northern Arm and Graving Dock and in all probablity it will be my duty to submit to you some additional means of defence. Whether that will be guns or torpedoes I am not prepared to say, but whatever form it takes it will mean a considerable addition to the powder supply and extra precautions for the prevention of accidents. One of the first things that struck me on my arrival in this colony was the position of the Magazine. I can only presume that when the site of that Magazine was selected it was never contemplated that there should be so much powder as there is stored there now. It will be my duty to submit to your Excellency my views on that point, and it is for you to consider whether you think the Magazine safe or whether there should be an additional one. As regards this Ordinance there are a few points that I shall be very glad to discuss in Committee for the reasons I have stated.

The Hon. the Acting SURVEYOR-GENERAL :—Sir, there is one small point in this bill that I should like to see brought before the Committee, and that is the dangerous practice of setting off explosives on the roadsides not only in the towns but in the country. It is extremely dangerous indeed to persons driving or riding to have crackers and other explosives fired off almost under the feet of the horses, and I think that a clause should be inserted in this bill prohibiting these explosives being set off within a certain distance of a road.

The Hon. the TREASURER :—I think, sir, that that question is provided for in the Police Ordinance. I cannot refer the hon. member to the particular clause at the moment, but I feel quite sure that there is a police provision to that effect. If not, I will promise that what the hon. member has now brought forward shall be considered in Sub-Committee.

The Hon. A. De A. SENEVIRATNE :—As the hon. the mover of this bill has intimated his intention of referring the bill to a Sub-Committee, I shall not take up the Council's time by any suggestions now as to amendments that might be advantageously introduced; but there is one matter in regard to which I wish to make a few remarks, and my remarks will be applicable not exclusively to this Ordinance but to a large number of Ordinances under which His Excellency the Governor is empowered to make regulations with the advice of the Executive Council from time to time. The difficulty with regard to these regulations is, that very often we do not know what are the regulations in force at a given time. For instance, in connection with the Forest Ordinance I tried by writing to the Colonial Secretary's Office to get an accurate copy of the regulations in force. A copy was sent to me and a few days afterwards a case came up in appeal in which the accused were charged and punished under a regulation which was not included in the list sent to me. That shows that the Government itself is not aware what regulations are in force. Therefore what I should like Government to consider in regard to all these regulations is the desirability of issuing a publication of the regulations in force every year so that everybody may know if any alterations have been made and what the alterations are. It would be as well to have them in a concise form for reference, and I throw out this suggestion to Government.

The Hon. W. W. MITCHELL :—Sir, the only points I would take exception to are clauses 4 and 17. Under the fourth clause the quantity allowed to be kept out of a public magazine is 10 lb., and a number of dealers have complained to me of this restriction. Powder is imported in 25 lb. kegs and the difficulty there would be in reducing the quantity to 10 lb. would be very great. It can hardly be intended surely that every person who has 11 lb. of powder should build a magazine in order to contain that quantity. Under clause 17 I think it would be a great hardship that miners on every occasion that they require to transport more than 10 lb. of powder from one place to another should have to dance attendance on the Government Agent or anyone authorized to grant a permit. We have enough of oppression as it is, and to add this would be I think very unfortunate. The bill is to go into Sub-Committee and I shall not therefore say anything further just now. I hope, however, that it will be possible to amend the Ordinance.

The Hon. the TREASURER.—I propose to place the hon. member on the Sub-Committee.

The bill was then read a second time and the Council went into Committee on it when on the motion of the Hon. the TREASURER it was referred to the following Sub-Committee :—H. E. the Major-General Commanding the Force; the Hons. the Attorney-General, W. W. Mitchell, M. C. Abdul Rahiman, P. Coomara Swamy and the mover.

Council then resumed.

ST. PAUL'S CHURCH LAND BILL.

H. E. the LIEUT.-GOVERNOR moved the second reading of "An Ordinance to empower the Trustees

of the Church of St. Paul to alienate a portion of land belonging to the said Church."

The Hon. the Acting GOVERNMENT AGENT, W.P. seconded and the bill was read a second time.

On the motion of His Excellency the LIEUT.-GOVERNOR the Council went into Committee on the bill when the names of the officers mentioned in the preamble were deleted, only the officers being named—the Bishop of Colombo, the Colonial Secretary and the Government Agent, C.P.

On the motion of the Hon. A. DE A. SENEVIRATNE, the expression of "Municipal Council of Colombo," was substituted for that of "Municipality of Colombo."

On the motion of His Excellency the LT.-GOVERNOR the title of the bill was altered to "The St. Paul's Church Land Ordinance, 1893."

Council then resumed when His Excellency the LIEUT.-GOVERNOR reported the bill as having passed Committee and moved that it be referred to the Law Officers of the Crown for report.—Agreed.

RABIES.

The Hon. the AUDITOR-GENERAL:—Sir, I beg to move the second reading of "An Ordinance relating to Rabies."

The Hon. the Acting GOVERNMENT-AGENT, W. P. seconded and the bill was read a second time.

The Hon. the AUDITOR-GENERAL was about to move that the Council go into Committee on the bill, but with the permission of Council deferred that motion to next meeting.

The Hon. A. DE A. SENEVIRATNE:—Is it not the intention of Government to refer the bill to a Sub-Committee?

The Hon. the AUDITOR-GENERAL:—Not unless there is a general desire on the part of the Council.

ADJOURNMENT.

H. E. the LIEUT.-GOVERNOR then moved that Council do adjourn till Wednesday next at 2·30 p.m.

Council adjourned at 5·30.

WEDNESDAY, NOVEMBER 8th, 1893

Present:—His Excellency Sir Arthur Havelock, President. Sir E. Noel Walker, Lieut.-Governor; H. E. Major-General Clive Justice, Officer Commanding the Forces; the Hons. J. A. Swettenham, Auditor-General; F. R. Saunders, Treasurer; C. P. Layard, Attorney-General; E. Elliott, Acting Government Agent, W. P.; P. A. Templer, Government Agent, C. P.; R. Reid, Principal Collector of Customs; D. G. Mantell, Acting Surveyor-General; W. W. Mitchell, Mercantile representative; Dr. Anthonisz, Burgher representative; A. de A. Seneviratne, Lowcountry Sinhalese representative; L. H. Kelly, Planting representative; M. C. Abdul Rahiman, Muhammadan representative; P. CoomaraSwamy, Tamil representative.

Absentees:—The Hons. J. J, Grinlinton, General European representative (who is at Chicago); and T. B. Panabokka, Kandyan representative.

The minutes of the last meeting were read and confirmed.

ASSENT TO ORDINANCES.

H. E. the LIEUT.-GOVERNOR:—I have to announce that His Excellency the Governor has given his assent to the following Ordinances:—No. 1 of 1893, "An Ordinance to amend the Petroleum Ordinance, 1887," and No. 2 of 1893, "An Ordinance relating to the sale by retail of Opium and Bhang within Municipalities and Local Board Towns."

IRRIGATION WORKS AND LOANS.

The Hon. W. W. MITCHELL:—Sir, I beg to give notice that at the next meeting of Council I will move:—

"That this Council, whilst expressing its willingness to promote Irrigation Works, such as the Giant's Tank, provided that all requirements of repayment of cost are fulfilled, and that estimates are found to warrant the undertaking, considers that money for the construction of such works should be provided by means of loans, instead of by appropriations from the General Revenue."

LAND PURCHASES AND OVERDUE PAYMENTS.

The Hon. A. DE A. SENEVIRATNE:—Sir I beg to give notice that at the next meeting of Council I will move:—

"(1) For a Return of lands sold during the last ten years in the North-Central Province on which instalments of purchase money are overdue. (2) For a Return showing the acreage of such lands which have been advertised for re-sale in default of payment."

MEDICAL AND MAGISTERIAL GRIEVANCES.

The Hon. L. H. KELLY:—Sir, I beg to give notice that at the next meeting of Council I will ask:—

"(1) Whether it is with the knowledge and consent of Government that the Medical officials in charge at the Civil Hospital in Colombo refused to meet private practitioners in *consultation* on serious cases in the Planters' Wards? and (2) If a circular has been issued to Police Magistrates, generally, or to any Police Magistrate, depriving them of their discretionary power, in the matter of issuing warrants for deserters?—If so, I shall ask for the papers and correspondence on the subject."

THE PROPOSED HOSPITAL FOR WOMEN AND CHILDREN.

The Hon. M. C. ABDUL RAHIMAN:—Sir, I beg to give notice that at the next meeting of Council I will move the following resolution:—

"That in the opinion of this Council the Government should contribute from the General Revenue an equal amount to that subscribed by the public, to build the intended hospital for women and children on a more complete formation, and to accommodate 60 beds instead of 30 already proposed by the Committee."

THE PROPOSED BREAKWATERS AND GRAVING DOCK.

The Hon. W. W. MITCHELL:—Sir, I beg to move the motion which stands in my name, viz.:—

"That this Council concurs in the scheme proposed by the Consulting Engineers in their Report of 20th May 1893 (Sessional Paper XIII. of 1893), on the proposed Harbour Extension Works of Colombo, and is willing to make the necessary provision for the cost, which is estimated at £527,000 for the North-Eastern and North-Western Breakwaters, and Reclamation from St. John's street to Mutwal point. It would further express the hope that a Graving Dock will be constructed to add to the completeness of the facilities which it is desirable to provide at the Port of Colombo."

—Sir, the question of protecting a further area of our harbour than is at present protected by the South-West breakwater has been matter of discussion for a good many years back, and it is only now that a complete scheme has been matured and placed before us in the able Report of the Consulting Engineers to the Crown Agents dated 20th May 1893. A perusal of that Report will show that the scheme has been considered in all its points very fully. The commerce of the island gradually goes on increasing, and as it increases more space is required in the harbour. It is not only for the internal trade of the island which continues to develop that pro-

vision must be made but also for transhipment cargo which continues to arrive at Colombo in increasing quantities from all parts of the world to be sent on to other parts. Colombo has become a centre where fleets of steamers call and from which they radiate to all parts of Europe, America, Australia, China and elsewhere, and it is found convenient to send cargo here for the purpose of being transhipped and forwarded to its ultimate destination. All the estimates which have hitherto been made with regard to the accommodation that was likely to be required at Colombo have been falsified by the results, and it has become very apparent to those most intimately connected with the carrying on of the commerce of the port that larger provision is necessary. By constructing the breakwaters that it is now proposed to make, all the area that is naturally available will be enclosed. The area at present protected by the south-west breakwater is about 415 acres, but when the north-eastern and north-western breakwaters are provided an area equal to 660 acres will then be enclosed, and the water within that space will be comparatively calm. The question of sanitation has been carefully kept in view, and with regard to the purity of the water we have the able report of Mr. Chadwick appended to these papers, which shows that no danger whatever is to be apprehended by enclosing the harbour in the manner proposed. Allusion was made to the sewage which falls into the harbour which undoubtedly does more harm than any other drainage that falls into it. The necessity for getting rid of this sewage is a point that has been kept prominently before the engineers and undoubtedly some scheme will have to be provided for getting it away to the north of the breakwater. With reference to the revenue of the harbour, this has also been very carefully investigated, and the figures put forward are such that we may take them with the full assurance that in years to come we shall be able to provide all the funds necessary to repay the interest and provide a sinking fund to repay the loans which have to be contracted. The scheme has had the approval of the mercantile community to whom it has been submitted. The Harbour Board thoroughly investigated it; a Special Committee appointed to consider the question of the graving dock entirely approved of the plans, and it only remains now for this Council to give its consent to the providing of the necessary funds to admit of the scheme being gone on with. I congratulate your Excellency upon securing the completion of a scheme, the largest and most important of its kind, and upon taking steps for the carrying out of that which will make the port of Colombo one of, if not actually, *the* finest of the world, I beg to move the motion which stands in my name.

The Hon. the PRINCIPAL COLLECTOR OF CUSTOMS :— Sir, it gives me particular pleasure to second the motion of the Hon. Mr. Mitchell. This is a question, sir, in which I have taken a very great interest for several years, and I hope you will allow me to refer a little to the history of the breakwater of Colombo and the circumstances which led up to its formation. About 1869 or 1870 the attention of Government was particularly directed to the question of making a breakwater at Galle, and the Secretary of State then, as now, endeavouring to aid Ceylon harbours, consented to grant us a loan on very favourable terms. While the discussion of this matter, however, was proceeding, it was suggested to Sir Hercules Robinson by Capt. Donnan Master Attendant that instead of spending a large sum of money on Galle harbour, it would be much more desirable to attend to the greater harbour at Colombo. Sir Hercules Robinson whose mind was taken up with the importance of Galle harbour, received the first advances very coldly. However, after some time he changed his mind and he consented after the Master Attendant again represented the case to him that Col. Fyers, R.E., who was then Surveyor-General should report on the harbour. Some correspondence followed and eventually an engineer, Mr. Townsend I believe, was sent out from home to report upon the matter. Mr. Townsend formulated a scheme which was very good in its way in 1872. Again correspondence took place, and in 1875 the Prince of Wales visited Ceylon and laid the foundation stone. Matters went on in a routine way for some time and then it was found that the trade of the port was increasing very rapidly. In 1877 the arrangements made by Mr. Townsend were found to be totally inadequate and the matter was referred to Sir John Coode who submitted a most elaborate and careful report in 1878 and prepared a scheme for two breakwaters, the expense of the whole scheme amounting to £1,300,000. It was found however that Ceylon could not provide the funds for such a large undertaking. In 1880 Sir John Coode submitted another plan for a south-west breakwater alone, the estimated cost being £712,000. After further correspondence Sir John Coode on 31st March submitted his final plan and preparations were made for completing the breakwater as it now stands, the cost being £705,000. That was within the estimate as I hope the contemplated breakwaters will be. In 1882 there was some depression in the colony and a difficulty arose about providing the funds. I may remark that the Chamber of Commerce has always taken a special interest in this question, and in 1879 they prepared an estimate showing that there could be raised in Colombo without injuring trade about R350,000 by a levy on account of the harbour. In 1882 they made a similar estimate, but unfortunately the times were not favourable. Matters remained in this way for sometime until 1884-85 when prospects began to improve a little. The Chamber of Commerce then moved in the question very energetically, but at that time Government was occupied with another scheme, that of the extension of the railway to Nanuoya and it undoubtedly obtained the affection of the Government and the influence of the local press. At this time a Despatch was sent home pointing out that to some extent the harbour revenue had not been so successful as was expected and an alteration was recommended in the accounts. Nothing was said about the subject of the breakwater for sometime. Eventually the question was raised by Sir John Coode in his letter of the 14th July 1891. Now up to this time it was fortunate that no steps were taken that in any way rendered it difficult to carry out future arrangements, and Ceylon is to be congratulated on now having a harbour as large as nature allows. The question of cost was considered on several occasions. An estimate was submitted and it was forwarded to the Secretary of State but he expressed the opinion that we under-estimated our resources, and I only hope that the present Secretary of State's views may turn out equally correct. I think there is a great future before Colombo harbour. There is no good port along the coast of India and there is no doubt that if circumstances offered the opportunity a good deal of the trade of Southern India might be transacted in Ceylon. I am very glad to notice that early next year a steamer will ply daily between this and Tuticorin, and it is possible that with advancing times there may be a railway connecting Ceylon and

India. One thing connected with the harbour that I would particularly notice is the matter of re-shipment. I have looked into the question, and I find that in the first six months there were 250,000 packages received for transhipment to all parts of the world. I have no doubt that the people in India will find that it is very easy to do business through Colombo for in sending on their packages here, they are sure to find steamers going to all parts. If I am not taking up too much of your time, which I do not usually do, I would like to say with regard to the working of the harbour that I am sure that it is the desire of Government, as well as of the officials connected with the harbour, to give every facility to the trade and commerce of the port and to encourage it in every way. They wish not only that it may be prosperous in a financial point of view, but popular with the mercantile community. The financial arrangements seem to be very satisfactory. The debt for the present breakwater is nearly half paid. When the loans were contracted in 1876-77 the arrangement was made that they should be paid in 35 instalments. Of these 17 instalments have now been paid so that we will receive considerable relief in 1911.

The Hon. A. DE A. SENEVIRATNE.—There is a small matter intimately connected with this subject to which I would like to make reference, and that is the provision to be made for the poor men who are likely to be turned out of their holdings in consequence of the acquisition of land for the improvement of the harbour. About 26 acres of land, I believe, will be reclaimed along the sea coast for the harbour improvement. I know Your Excellency paid some attention to the subject of the provision to be made for those likely to be turned out of their holdings in consequence of the Government acquiring land on the sea board, and it was found that very great inconvenience would not be caused. In fact I believe your Excellency enquired whether the Municipal Council was taking steps to provide shelter for the people that were likely to be turned out, and the Municipal Council felt that there need be no apprehension as to that, there being plenty of room. Now I find from the papers which were recently placed on the table that in Mutwal a portion of Fishers' Hill is to be acquired. There is a village of fishermen located there and undoubtedly it will be a great inconvenience to them to be driven out of that place. If that portion of Fishers' Hill is absolutely necessary they will have to go somewhere else, and what I would like to ask from Government is whether any attention has been paid to the question of supplying a place of residence for these fishermen. I am informed that there are about 100 families living in that small place. As far as sanitation is concerned it is undoubtedly desirable that they be removed to another locality, but if they go elsewhere their occupation as fishermen will be gone. It is said that most of these men during the daytime stay on the beach and watch for the shoals of fish coming and the moment they see the indications they get their nets and are ready to start on a few moments' notice. If they were removed to some distance they would not have that facility for going out to sea quickly. I trust this question will be considered and a place provided for these people to go to, so that they may not be put to inconvenience. I have called the attention of Government to this especially in view of the fact that steps have been already taken to provide a place for beaching their boats. This has evidently not pleased the Mercantile community for I find that in a recent discussion in the Chamber of Commerce a gentleman found fault with the Government for paying more attention to the interests of these poor fishermen than to the mercantile interests. Well, I must express my thankfulness before I sit down that the interests of the poor people are not lost sight of even though the Government is likely to give offence to the all powerful Mercantile community.

The Hon. L. H. KELLY:—Sir, there is no other matter on which I should like information. I notice in the Report of the Consulting Engineers that—

"By the adoption of this modified line and the making over of the site of Rock House to the War Department with a view to the placing of a gun there we understand that all questions with regard to the effect of the proposed works on the defences of the port will have been satisfactorily provided for."

I should like to know sir, whether the construction of the breakwater on the present plan will affect the efficiency of the fort already existing at Mutuwal.

The Hon. M. C. ABDUL RAHIMAN:—Sir,—I would wish to be allowed to say a few words concerning our harbour. Unfortunately I am without any engineering qualification, but speaking of the matter from a commonsense point of view, I would say that the port of Colombo deserves to have a complete breakwater without any delay with all facilities and accommodation. Colombo is situated in a central position and ships of all nationalities frequent it and the Government ought to consider the defence of the harbour more perfectly.

The Hon. the TREASURER:—Sir, I desire to say a few words on the subject of this motion, they are merely to congratulate the Council upon having at last arrived at a decision that it is right and proper that this Colony should have a harbour suitable to its wants and built under the advice of eminent engineers—in fact I might say under the advice of *an* eminent engineer, for practically with very slight alterations this harbour is the harbour which Sir John Coode laid down as the harbour which Ceylon ought to have. For many years we had great opposition to such a harbour in this Council. There were a great many persons who said a single arm was all that was wanted; there were a great many other people who said the Colony could not afford it. The question has been debated in this Council over and over again, and whilst I congratulate the Council upon having now come to this conclusion, I may also congratulate myself and say that I have never once wavered in my allegiance to the harbour scheme on the plan proposed by Sir John Coode and carried out under Mr. Kyle. I may add that I have always regarded it as a work not merely in the interests of the mercantile community or of the maritime provinces, or of Colombo only, but as a work which would be of benefit to the general interests of Ceylon. It has been opposed in this Council on the ground that too much money would thereby be spent merely for mercantile and commercial interests, and that it would do nothing for the general interests of the island. I never agreed with that view; and what I want to impress upon members of the Council today is that if we are now going forward and are prepared to find such a large sum of money, or rather to bind the Colony to pay such a large sum, we must not hereafter, if claims for other grand works are put forward that are supposed by some to be more in the native interests than those of the Mercantile community, say that we cannot afford them because we have already pledged ourselves to this extension of the harbour. There

are great works, railway works, and particularly I wish to say the railway to Jaffna, which must be undertaken sooner or later, and the Colony must be prepared to vote the money for that work or to find the money, and not say that we cannot afford it because we have decided to properly complete this great work, the Colombo Harbour.

The Hon. the GOVERNMENT AGENT, W.P. :—Sir, with the permission of Council I desire to say a few words in reply to what has fallen from my hon. friend the member for the Sinhalese community as to the interests of the fishermen. I can assure him that that matter has not been lost sight of by Government. It is rather premature to say what may or may not be done, but Government is taking up a considerable extent of land and the necessity for providing a place of residence for the fisherpeople will be duly considered.

H. E. the LIEUT.-GOVERNOR:—Sir, it is fitting that this resolution should have been initiated by the hon. member who has moved it, not only on account of the great interest and the assistance he has given to the consideration of this measure, but also in the circumstance that he represents the Mercantile community whose interests and convenience will be so much served by these works. It is likewise fitting that the resolution should have been seconded by my hon. colleague the Principal Collector of Customs who has shown so much interest and concern in the harbour works which are so much akin to the operations in the Customs. I trust, sir, that he will be long spared to administer the office in the spirit to which he has given expression and of which I can give confirmation from my experience in my almost daily communications with him in promoting works in the interests of the port and the trading community. This scheme, sir, as the Treasurer has reminded us, was one of the cherished objects of the late Sir John Coode who has left in the South-West breakwater a great monument to himself and a useful and beneficial work for us, and it has been matured and brought to the state in which it has been put before you by his firm. I should also say that Your Excellency during your recent visit to England paid great attention to the subject in personal conference with the Consulting Engineers and the Crown Agents on the engineering as well as on the financial aspects of the scheme. It is gratifying to the Government to find that the proposal has received such general approval not only in the Council but outside of it. In these circumstances, sir, there is really nothing left for discussion or argument; but in my position as a member of the Government I should be unwilling, in view of the importance of the work and the responsibility we are undertaking in constructing it, to allow the vote to pass in silence on my part. Hon. members have referred to one or two points which perhaps I might touch upon. As regards the revenue I may call the attention of the Council to the estimates which I laid on the table of the Council at last meeting. In these the five items which constitute what is commonly called the Colombo harbour fund account, are with considerable confidence estimated to yield in the coming year close on one million rupees. (Applause.) Even allowing for some discount on the estimated revenue assumed by the Secretary of State, and that some items of expenditure may have to be increased, I think we are perfectly justified in concluding that the revenue will be sufficient to meet these charges. The hon. mover in his resolution expresses the hope that the scheme will soon be supplemented by the construction of a graving dock, and I cordially endorse that expression. From the papers it will be seen that the question of the dock is awaiting a reference to the Admiralty and that the hope is held out that an early decision on that point may be arrived at. Personally, sir, I have taken a greater interest in the dock than in the breakwater. It is a measure which I have more than once advocated, and I feel satisfied that it will be a success and contribute very much to the success of the colony, (Hear, hear). I hope the hon. member who represents the Sinhalese community is satisfied with the assurance that the hon. the Government Agent of the Western Province gave him as to the fishermen, and that the heart of Government will be large enough to find a corner in it for the fishermen as well as the members of the Mercantile community. With reference to the enquiry by the hon. the planting member as to whether these works will interfere with the usefulness of the Mutwal battery, that is a military and strategic question of which I speak with hesitation; but I would refer the hon. member to the enclosure which appears on page 6 of the printed papers. In paragraph 2 the Secretary of State has stated that:—

"Subject to any modifications which may be deemed necessary on military grounds, as to which point I hope to be able to communicate with you by telegraph before long, I approve the adoption of the scheme which the Consulting Engineers have now proposed, provided, that the Legislative Council concurs in it and is willing to make the necessary provision for the cost."

A final decision has not been arrived at but there is internal evidence in this correspondence that the subject is receiving consideration. I trust, sir, that when you put the resolution to the Council it will be passed with cordial unanimity. The Government have already taken some preliminary steps and we here, and I believe I may say for the Crown Agents and the Consulting Engineers that they also are ready to commence the work vigorously. I can only express the hope that these works will be pursued to the end with the same useful and beneficial results as the south-west breakwater. (Applause).

H. E. the GOVERNOR then put the question when all the members present voted "aye" and the resolution was unanimously adopted, the result being announced by His Excellency in the terms which we reported in our last issue.

AMENDMENT OF THE MUNICIPAL COUNCILS ORDINANCE.

The Hon. A. DE A. SENEVIRATNE:—Sir, might I ask that the first reading of "An Ordinance to amend the Municipal Councils Ordinance 1887" which is the next item on the agenda may be put off for a fortnight. The bill was only ready last Friday, and I think it would be desirable that the Municipal Councils as well as the public should see the draft before we consider it in Council.

The Hon. the ATTORNEY-GENERAL:—I have no objection, sir. It is only reasonable that the Municipal Council and other public bodies should have an opportunity of seeing the amending Ordinance.

The first reading was postponed accordingly.

THE JOINT STOCK COMPANIES' ORDINANCE.

The Hon. the ATTORNEY GENERAL:—Sir, I bring up the report of the Law Officers of the Crown on a bill to amend the Joint Stock Companies' Ordinances 1861 and 1888 and move that it be read.

This was unanimously agreed to and the Clerk of the Council having read the report, the bill was read a third time and passed on the motion of the Hon. the Attorney-General.

THE COST OF IRRIGATION WORKS.

The Hon. W. W. MITCHELL gave notice of the following motion inadvertently omitted yesterday :—

That a statement showing the contributions by proprietors in repayment of sums expended on the cost of irrigation works as provided for under section 47 of Ordinance No. 23 of 1889, be furnished for each of the past five years, showing the amount received in each province, also a statement showing the amounts collected in terms of clause 31 of Ordinance No. 21 of 1867, towards the cost of irrigation works executed by Government from 1867 to 1889.

THE SAFE TRANSIT OF GOODS, PRODUCE AND MERCHANDISE.

H. E. the LIEUT.-GOVERNOR :—Sir, before bringing up the Report of the Law Officers of the Crown on "An Ordinance to ensure the supervision and safe transit of goods, produce, and merchandise from one part of the island to another," I would ask the permission of Council to suspend the Standing Orders with a view to having the bill recommitted. Hon. members will remember that when we adjourned consideration of this bill at last meeting, it was proposed by Government that the bill should be made a permanent one. The hon. member who represents the Sinhalese community suggested, however, that a difficulty might be occasioned by having irrevocably proclaimed a district which it might be no longer necessary to keep under this Ordinance. The Attorney-General was then good enough to undertake to draft a clause giving effect to a provision authorziing the Governor to revoke any such proclamation. It is with the view of adopting that clause which has been printed and placed in the hands of members that I wish the Standing Orders suspended and the bill recommitted.

The Standing Orders were then suspended and Council went into Committee when the following clause was inserted in the bill:—

4 (1) It shall be lawful for the Governor, with the advice of the Executive Council, by Proclamation in the *Government Gazette*—

(*a*) to revoke any Proclamation issued under section 1, and upon such revocation this Ordinance shall cease to have any effect along such road, river, or canal described in such Proclamation ; or

(*b*) to exempt from the operation of this Ordinance any portion or portions of any road, river, or canal described in any Proclamation issued under section 1 ;

(*c*) to alter the particular place or places or the fee fixed by any Proclamation issued under section 1.

(2) The Governor, with the like advice, may by Proclamation in the *Government Gazette* re issue any Proclamation revoked under sub-section (*a*) or alter, modify, or revoke any exemptions or alterations made under sub-section (*b*) or (*c*).

On Council resuming His Excellency the LIEUT.-GOVERNOR reported the bill as ammended and moved that the Report of the Law Officers of the Crown be read. The Clerk of Council having read the Report, the bill was read a third time and passed, on the motion of His Excellency the LIEUT.-GOVERNOR.

ST. PAUL'S CHURCH LAND ORDINANCE.

H. E. the LIEUT.-GOVERNOR brought up the Report of the Law Officers of the Crown on "An Ordinance to empower the trustees of the church of St. Paul's to alienate a portion of land belonging to the said church," and moved that it be read.

The Clerk of Council having read the Report, the bill was read a third time and passed, on the motion of H. E. the LIEUT.-GOVERNOR.

RABIES.

On the motion of the Hon. the AUDITOR-GENERAL, Council went into Committee on "An Ordinance relating to rabies" when a variety of alterations was made in the wording of the bill.

The Hon. Dr. P.D. ANTHONISZ C.M.G. said he should like to see a clause introduced providing that, when a person was bitten by a rabid dog, the police should inform the P.C.M.O. who should send a competent person to see that the patient was properly attended to.

In clause 1 the figure "3" was inserted on the motion of the Hon. the AUDITOR GENERAL, so that the bill might be cited as "The Rabies Ordinance, 1893."

In clause 3 the following definition clause was also inserted on the motion of the Hon. the AUDITOR-GENERAL :—

"Stray dog means any dog wandering at large and not being under the control or charge of any person."

The word "animal" was next substituted for "dog" in line 4 of the section of clause 3 dealing with the definition of "suspected" so that a "suspected animal" shall mean "an animal which has been bitten by any diseased or suspected dog or which has been in contact wtih any diseased or suspected animal," &c.

With regard to the definition of "local authority," it was agreed that sections a, b and c should read:—

(a) Within the limits of a Municipality the Chairman of the Municipal Council thereof. (b) Within the limits of a Local Board the Chairman thereof. (c) Outside the limits of a Municipality or Local Board and within the limits of a Province or District the Government Agent or Assistant Government Agent respectively

The Hon. the AUDITOR-GENERAL next moved that in sub-section *d* of clause 3, "every police officer" should be included in the definition of "local authority."

The Hon. A. De A. SENEVIRATNE did not see the object to be gained by this. In section 2 of clause 7 it was provided that the police officer should give notice to the local authority, and if the amendment were made the local authority would mean the police officer himself. In clause 11, it was provided that "every local authority shall cause to be destroyed," &c. If it was necessary they might say "every police officer shall cause to be destroyed," but there was no necessity for including police officer in clause 11 at all because the local authority could empower him in writing to do certain acts. They must not forget that "police officer" included "headman."

The Hon. the AUDITOR-GENERAL said he had intended when they came to clauses 7 and 11 to move amendments. The object of including police officer in this particular sub-section c. was practically to give them the powers of the local authority. Promptitude in action was most essential in cases of this kind; and if the police officers had ample power, Council might hope to have the Ordinance efficiently worked and carried out. He thought it would be a mistake to make it necessary that every police officer should have a written authority before he could carry out the Ordinance. Such provisions read all very well on paper, but in practice it was sometimes found that they were difficult to carry out. It might happen that in the one case in which there was a mad dog at large the police officer could not act because, for some reason, perhaps

because he had just come to the district, he had not written any authority. To meet exigencies of this kind he thought it was better that they should give the police officer the power he proposed.

Ultimately the amendment was agreed to.

The Hon. the AUDITOR-GENERAL next proposed the deletion of the word "village" before "headman" in the last line of clause 3, because there were headmen of a superior class who were not village headmen.

The Hon. A. De A. SENEVIRATNE said it appeared to him that the very men who ought to be empowered were those who were not police officers at all—the Korale Mudaliyars.

The Hon. the ATTORNEY-GENERAL pointed out that the expression every police officer would include headmen and the Korale Mudaliyars were headmen.

After some further conversation the amendment was made.

In clause 4 the word "jurisdiction" was substituted for "district," and it was also agreed in the second section providing for the detention of a seized dog in case it is not claimed "within three days of such seizure," to insert "or in case of the non-payment of the reasonable expenses incurred in respect of such seizure and detention."

In clause 6 the Hon. the GOVERNMENT AGENT C. P. suggested the deletion of "ferociously" in the sentence—"It shall be lawful for any person to kill upon the spot any dog which shall ferociously fly at," &c. It appeared to him that the retention of that word would practically make this provision nugatory, because if the owner of a dog prosecuted anyone for killing it, and that person pleaded justification, the measure of the dog's ferocity became a question for the Court and it was impossible to say what might be done.

The Hon. the ATTORNEY-GENERAL had personally no objection to the deletion of the word ferociously in that particular section. The wording of the section he explained was taken from the old Ordinance.

The Hon. A. DE A. SENEVIRATNE pointed out that a dog which was not ferocious, might attack one at night, and

The Hon. P. COOMARA SWAMY thought that under this clause a burglur would have the right to kill one's dog.

The Hon. the Acting GOVERNMENT AGENT W.P. thought if a man went on any one's land he did so at his own risk.

On the question being put it was agreed to delete the word "ferociously."

Clause 7, providing that the police officer who receives information of a dog being diseased or suspected should forthwith transmit the information to the local authority, was altered so as to read that the information should be transmitted "to the local authority specified in sections (*a*), (*b*) and (*c*) of clause 3 of this Ordinance."

Afterwards the following new sub-section was added:—

(3). It will be the duty of every police officer (*a*) to kill every dog or every animal which is diseased or which after visit or inspection is found to have become disea[illegible] (*b*) from time to time to visit and inspect every such diseased, suspected or bitten dog or other animal, and after every visit and inspection to report the condition of such dog or other animal to the local authority specified in section *a b* and *c* of clause 3 within whose jurisdiction the dog or other animal is; and such local authority shall determine the time when such visits and inspections shall cease.

In clause 9, which gives power to make regulations, it was proposed that the word "jurisdiction" should be substituted for "district," and the words "such regulations from time to time to alter and amend" added before the sub-sections. It was also proposed to alter clause 10, so that "all regulations made, altered or amended" should be published. Clauses in accordance with these amendments will be drafted by the Hon. the Attorney-General, and be submitted in Committee at next meeting.

The next point upon which conversation took place was the penalties for offences in clause 12.

The Hon. P. COOMARA SWAMY did not think it would be advisable to give the power of imprisonment to magistrates in cases of this sort. He thought a fine of R50 or R100 would be quite enough.

The Hon. the ATTORNEY-GENERAL, on the other hand, thought it would be quite right to send a man to prison for certain offences.

The Hon. A. DE A. SENEVIRATNE thought a fine would be deterrent enough and it need not be a fixed sum.

The Hon. the AUDITOR-GENERAL asked the members in fixing the penalty to consider that perhaps damage might be done by a mad dog for which a thousand rupees would not pay, and that it was necessary good protection should be given to the public in this matter.

Ultimately it was agreed that the penalty should be a fine not exceeding R100 or imprisonment not exceeding three months or both.

It was also agreed on the suggestion of the Hon. P. Coomara Swamy that the word "knowingly" should be inserted because as the clause stood a man might, he said, be fined or sent to jail although he did not know that his dog was diseased or suspected

The Hon. the AUDITOR-GENERAL said they should look at the probabilities of the case. The first person who was likely to know when anything happened to a dog was the owner.

The Hon. A. DE A. SENEVIRATNE also pointed out that some hardship might be caused if a man were fined because his dog broke loose.

The Hon. the ATTORNEY-GENERAL was understood to say that a man could not be very well said to have permitted a dog to be at large which had broken loose.

The Hon. the Acting GOVERMENT AGENT, W. P. said he would like to mention that one difficulty that was experienced in dealing with dogs was that the natives kept them out of the way and they could not be killed. It was in consequence of that he believed that rabies was increasing in the country.

After some further talk, the consideration of the bill in Committee was adjourned on the motion of the Hon the AUDITOR-GENERAL till next meeting.

PAWNBROKING.

The Hon the ATTORNEY-GENERAL brought up the following Report of the Sub-Committee on "An Ordinance relating to the pawnbrokers":—

The Sub-Committee having carefully considered the provisions of the Bill, are of opinion that the Bill should be made to apply to a loan by a pawnbroker of any sum not exceeding R500, and they recommend that the 3rd clause of the Bill be amended accordingly. For the purpose of carrying out this recommendation they further suggest that the provisions with regard to the amount of profit to be taken on any loan, and the disposal of pledges pawned for above ten shillings, be adapted from the Imperial Statute, 35 and 36 Victoria, caput 93.

Since the Bill was drafted and published, a memorandum was received from an experienced District Judge suggesting certain amendments. The Sub-Committee have adopted his recommendations.

The Sub-Committee have noted in the margin of the Draft Bill all the amendments which they recommend should be made.

C. P. Layard, F. R. Saunders, E. Elliott, A. Seneviratne, L. Kelly, P. Coomara Swamy.

On the motion of the Hon. the ATTORNEY GENERAL the bill was allowed to stand over for consideration.

THE SUPPLY BILL.

H. E. the LIEUT.-GOVERNOR moved the second reading of "An Ordinance for making provision for the contingent services for the year 1894."

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

THE GIANT'S TANK.

The Hon. L. H. KELLY:—Sir, I should like to ask whether the plans of the proposed scheme at the Giant's Tank are available, because I should like to see them before we go into Committee on the subject.

H. E. the LIEUT.-GOVERNOR:—Yes, and as was stated in His Excellency's Address or Message full papers will be laid before the Council. I explained at last meeting that the papers were published prematurely. They were not laid on the table by me, but somehow they got out and were circulated; but the matter is not yet ripe for discussion. When we come to consider the item in Committee the plans and papers will be produced, and if they should unfortunately not happen to be then ready the item will not be proceeded with. I now move that Council resolve itself in to a Committee of the whole house in order to have the bill referred to a sub-Committee.

This was agreed to and on the motion of H. E. the Lieut-Governor the bill was referred to the following sub-Committee:—the Hons. the Auditor-General, the Treasurer, the Government Agent W.P., W. W. Mitchell, L. H. Kelly, P. Coomara Swamy and the mover.

ADJOURNMENT.

H. E. the LIEUT.-GOVERNOR:—I now beg to move the adjournment. Considering the stages at which the several bills have arrived there is not much business for a meeting next week, and further it is desired owing partly to the lateness at which the Supply Bill has been introduced to proceed with the consideration of it in Sub-Committee. For the reason also that it may be more convenient for the members of the Sub-Committee on the Supply Bill that there should not be a meeting next week, I move that the Council do now adjourn till Wednesday the 22nd instant, at 2-30 p.m.

Council then adjourned at 4-30.

WEDNESDAY NOVEMBER 22nd, 1893.

Present:—H. E. the Lieut.-Governor in the Chair. The Hons. J. A. Swettenham, Auditor-General: F. R. Saunders, Treasurer; C. P. Layard, Attorney-General; E. Elliott, Government Agent W. P.; P. A. Templer, Government Agent, C.P.; R. Reid, Principal Collector of Customs; D. G. Mantell, Acting Surveyor-General; W. W. Mitchell, Mercantile representative; L. H. Kelly, Planting representative; Dr. Anthonisz, Burgher representative; T. B. Panabokke, Kandyan representative; A. De A. Seneviratne, Low-country Sinhalese representative; Abdul Rahiman, Muhammadan representative; P. Coomara Swamy, Tamil representative; also Mr. H. L. Crawford, Clerk to the Council.

Absentees:—The Hons. Dr. Anthonisz, Burgher Representative, and J. J. Grinlinton, General European representative.

Visitor.—Mr. Henniker Heaton, M.P.

The minutes were read and confirmed.

MESSAGES.

The LIEUT.-GOVERNOR brought up and read the following messages from H. E. the Governor:—

The Governor wishes to bring to the notice of the Legislative Council that, in view of the intention of the Government to give immediate effect to the resolution of the Council with respect to the carrying out of the approved scheme for the Harbour Extension Works of Colombo, it becomes necessary to take steps at once to raise funds to provide for the cost of the earlier stages of the works.

The Governor begs the Council to observe that no provision has been made in the Draft Estimates for 1894, now before the Council, for the payment of interest on the funds to be so raised by loan. It is considered desirable to make additional provision for this purpose to the amount of R105,000, under the head of charges on account of Public Debt. With the addition of this item of expenditure, the total estimated Expenditure of 1894 would exceed the total estimated Revenue. But it is against the policy and practice of the Ceylon Government to propose to the Legislature expenditure in excess of the anticipated receipts of the year. Under the circumstances it will become incumbent on the Government to suggest to the Council, when in Committee on the Supply Bill, the omission of items of proposed expenditure of sufficient amount to re-establish a balance between the estimated Revenue and Expenditure of 1894.—By His Excellency's command,

E. NOEL WALKER, Colonial Secretary.

Queen's House, Colombo.
November 20th 1893.

The Governor has the honour to inform the Legislative Council that he has communicated by telegraph to the Secretary of State for the Colonies the unanimous resolution adopted by the Council at the meeting held on the 8th instant, expressing their concurrence in the scheme proposed for the Harbour Extension Works of Colombo, and their willingness to make the necessary provision for the cost of those works.

The Governor places before the Council a copy of his telegram to the Secretary of State and a copy of a reply which he has received. From the latter the Council will see that it is considered necessary for the defence of the Harbour that two guns, to be furnished from the present Mutwal Battery, should be placed at the site of Rock House, and that the Council is requested to provide means for the purchase of the site of Rock House and for the removal of the two guns from Mutwal to that site.

The Governor believes that he interprets rightly the views of the Legislative Council by understanding that the provision of funds for the purchase of the site in question, and for the removal of the two guns to that site, may be held to be included in the necessary provision for the cost of the works, which the Council expressed their willingness to make in their resolution passed on the 8th instant. It should be noted, however, that the amount of £527,000 mentioned in the resolution will, on this understanding, be increased by a sum sufficient to cover the cost of the acquisition of the site at Rock House and of the removal of the guns thereto.

The Governor proposes, with the consent of the Council, to telegraph to the Secretary of State that the Council is willing to provide for the purchase of the site of Rock House and for the removal from Mutwal of two guns to that site.—By His Excellency's command, E. NOEL WALKER, Colonial Secretary.

Telegram sent to the Secretary of State for the Colonies, 10th November, 1893.

With reference to your Lordship's despatch of 5th September, No. 244, Legislative Council unanimously approved of New Scheme for Harbour Improvement,

and (have) expressed willingness (to) make necessary provision. I am taking steps to make a beginning immediately. Earnestly beg that Crown Agents may be authorized (to) push as fast as possible all necessary arrangements.

Reply from the Secretary of State, received 18th Nov. 1893.

Referring to your telegram of 10th November, and with reference to paragraph 2 of my despatch 244, arrangement proposed is sanctioned, subject to Legislative Council providing for the purchase of site of Rock House and removal from Mutwal of two guns to that site; otherwise Colonial Defence Committee consider that defences seriously affected. Telegraph reply.

BYE-LAWS.

The Hon. SENEVIRATNE gave notice of a motion for the next meeting that all regulations and bye-laws made under any Ordinance having the force of law should be modified and laid on the table of the Council on or before the 30th November of each year.

ASSENT TO ORDINANCES.

H. E. the LIEUT.-GOVERNOR then announced His Excellency the Governor's assent to the following Ordinances:—No. 3 of 1893, being an Ordinance to amend the Joint Stock Companies Ordinances 1861 and 1888; No. 4 of 1893, being an Ordinance to ensure the supervision and safe transit of Goods, Produce and Merchandise from one part of this island to another; No. 5 of 1893 being an Ordinance to empower the Trustees of the Church of St. Paul to alienate a portion of land belonging to the said church.

PAPERS.

H. E. the LIEUT.-GOVERNOR also laid the following papers on the table:—The revised Educational Code; and a Return of Expenditure on the three Sections of Railway Extension in course of construction.

REGULATIONS AND BYLAWS.

The Hon. A. De A. SENEVIRATNE gave notice that at the next meeting of Council he would move "that all regulations, rules and bylaws made under any Ordinance and having the force of law, should be codified and laid on the table of the Council on or before the 30th November of each year."

POLICE MAGISTRATES AND ISSUE OF WARRANTS FOR DESERTERS.

The Hon. L. H. KELLY:—I now rise, sir, to ask the question of which I gave notice at the last meeting; but I wish to explain that through inadvertence on my part I put in the words "to ask" instead of "to move" for papers. With the permission of your Excellency and the Council I should like to make that slight alteration, and to offer a few remarks in explanation of my reason for asking the question. As amended the question would read:—

If a Circular has been issued to Police Magistrates generally, or to any Police Magistrates, depriving them of their discretionary power in the matter of issuing warrants for deserters; if so, to move for the papers and correspondence on the subject.

I wish to say, sir, that if such instructions have been issued to Police Magistrates under the Ordinance which came into force lately, it places the proprietors and managers of estates in a very difficult position with regard to their labour force. I think I may say with all confidence that it is now the practice of most of the proprietors or managers to pay their coolies closely up to date. I can say from my own experience that all or nearly all the coolies round about me are paid up to the end of September; and I know of one or two instances in which coolies who had received their pay borrowed the pay of other coolies and then deserted, for they gave no notice, and it was absolutely impossible to discover their whereabouts. This press rather hardly upon the kangany who is responsible for the advances. I am perfectly aware that the fact of the kangany being responsible for the advances in no way renders the cooly a bond servant, but still I think that where a cooly has been paid up so closely as he is at the present day and where it can be proved to the satisfaction of the Magistrate that he has been paid up, there should be discretionary power left to the Magistrate to issue a warrant when an affidavit is placed before him, for without a warrant it is impossible to bring a cooly before the Court. It may be argued today, although I hope it will not, that under the Criminal Procedure Act of 1883 a warrant cannot issue unless the offence is punishable with a term of three years; but, sir, we are still working under Ordinance 11 of 1865, and that Ordinance plainly contemplates the fact that a warrant may be issued because it makes use of the expression "brought before" for which there would be no necessity in the case of a summons. A man can only be "brought before" the Court under a warrant; and when a summons is issued the man "comes before." I would also point out that it is necessary to affix the summons to the labourer's last-known place of residence. Well, his last-known place of residence is the lines, and when he deserts he takes his family and all his goods and chattels and everything with him, and there is no one to serve the summons upon. The result of insisting upon that would, I venture to think, be bad. It would simply mean that the Superintendent of the estate must rush down to the Court, and get a summons and affix its to the labourer's last place of residence. Of course the labourer would not appear and then the Superintendent must go back to the Court and get the warrant which he ought to have got in the first instance. I trust that the answer which Government will give me today will be that no such order has been issued. I have before me here a letter from a proctor who has been practising for a considerable number of years, and who understands these questions well, and he writes giving the reply of a Police Magistrate to an application for a warrant.:—

"I regret I cannot accede to the application. The Attorney-General in his report of the 20th of September last to the Colonial Secretary has shewn that my previous practice has not been in conformity with the provisions of the Criminal Procedure Code which only authorises the issue of a summons in the first instance in case of desertion from service."

As against that order I have quoted Ordinance 11 of 1865 which is still in force and which says that a man must be "brought before" the Court. In the case in question, sir, where warrants were applied for, the coolies received their pay up to the 30th Sept. and also obtained money from their friends and then absconded or deserted. Now, sir, if there is to be the delay in connection with a summons to which I have referred where is the security? I know perfectly well the difficulty I have to contend with when I talk of coast advances; but that sir, is our own money which we have advanced at our own risk, we have no subsidy from Government. I see in the supplementary estimates that the Government are charging for a loss on labour for some reason or other, but in our case we who bring over the labour force for

the prosperity of the country take this loss upon ourselves. What we ask for is simply ordinary protection. We are willing to pay up our coolies as closely as Government has insisted on, all we ask of Government being that there should be no standing on technicality, no question of reading the Criminal Procedure Ordinance against the Ordinance of 1865 ; and I think, sir, that I can very fairly base my argument upon the fact that for eight years what I am contending for has existed and warrants been allowed in this way. If a cooly had not been closely paid up then the Police Magistrate would be perfectly right in refusing a warrant; but where the Superintendent of an estate has conformed with everything that is required of him, I do certainly think that the greatest assistance should be given to him to protect himself with regard to the money that he has advanced to bring over the labour force, and I trust Government will look at the matter in a liberal spirit.

The Hon. W. W. MITCHELL seconded.

The Hon. P. COOMARASWAMY :—I do not know, sir, against what the hon. the planting member complains. The law is there and the Magistrates are there to administer the law. I have seen the Circular complained of and in it I read :—

"It having been brought to the notice of the Lieutenant-Governor that Warrants are too frequently issued in Criminal Cases in lieu of Summons, I am desired by His Excellency to remind you that though wide powers in that behalf are vested in you by the Criminal Codes, you should exercise those powers with a wise discretion, and, except in the most serious cases, abstain from the use of Warrants unless there is reason to believe that the attendance of an accused cannot be secured by Summons."

Now, sir, if in this country where Magistrates are mostly young men, not well versed in the law, Government cannot protect the coolies who come over from India by issuing such a Circular as this, then I should say that there would be no necessity for having a Government at all in this country. I have heard, although I do not know about the truth of it, that sometimes planters get angry if warrants are not issued on their letters. What does this Circular say? In effect it says "show the Magistrate that there is an absolute necessity for the warrant and you will get it." Surely the liberty of the subject is not to be jeopardised because a man is angry that his cooly has run away. I would strongly urge upon Government not to recall this Circular, and if Magistrates have forgotten it, it should be re-issued to them. If such protection is not given to the coolies, I do not think they will be glad to come over from India for the planters here.

H. E. the LIEUT.-GOVERNOR :—Sir, as it appears that no other member wishes to address the Council on the motion which has been made, I would lay on the table the Circular which I thought the hon. member referred to, which is the one from which an extract has been read by the hon. the Tamil representative, and which the hon. the mover on perusing it will see for himself hardly justifies the terms in which he characterized it. It merely enjoins Magistrates to exercise a wise discretion and not to issue a warrant when the object can be equally well attained by a summons. I may mention, sir, that the Circular was issued quite incidentally on casual observation as to the frequency—the unnecessary frequency—with which warrants were issued. It was issued in connection with no planting district, and certainly without the slightest association in the minds of the officers of the Government who dealt with it with any particular district. I said, sir, when I laid the circular on the table that it was the circular to which I thought the hon. member referred, but from the remarks he has made I am rather disposed to think that there must be some other instruction. If the hon. member will be good enough to show me the correspondence on which his resolution is based, I shall be very glad to have further search made and see whether any circular bearing the character which he attributes to it has been issued. My reply is merely a negative one, namely that I have not been able to find such an instruction, but if he gives me any clue I will be very happy to make further inquiry and search.

The Hon. L. H. KELLY :—Sir, I am very much obliged for the reply that has been given to me, because now I have got from Government the distinct statement that discretionary power does rest with the Magistrate. I would not have brought this matter forward, had it not been distinctly pointed out to me that a circular had been issued of the character I have indicated. The hon. the Tamil representative has referred to the circular, but no copy of it has reached me yet, and I am therefore at a disadvantage, but still I accept the statement of Government. It is all I asked for, all I wanted being that the discretionary power which Police Magistrates have had for years —or at least that one Magistrate I know of has had for 8 years—should be continued. The reply to which I referred simply was: "I gave a verbal answer yesterday. I can only grant summonses instead of warrants." I shall be very happy to give any other information that may be wanted.

H. E. the RIEUT.-GOVERNOR.—From whom is that letter?

The Hon. L. H. KELLY.—From a Police Magistrate.

H. E. the LIEUT.-GOVERNOR.—Will the hon. member state who is the Magistrate?

The Hon. L. H. KELLY.—The Police Magistrate of Hatton.

H. E. the LIEUT.-GOVERNOR.—Can you give me the date?

The Hon. L. H. KELLY.—14th Nov. My hon. friend the Tamil member speaks of young and inexperienced Magistrates. The Police Magistrate of Hatton 40 years ago was a member of the Civil Service, for a large number of years was a planter and thoroughly understood the Tamil cooly, and for the last 10 or 12 years I think, a Police Magistrate. He may have misunderstood the circular which was sent out, but I only wished to point out the difficulty that would arise. As to what the hon. the Tamil member says about the coolies being prevented from coming over here, I pit my experience against his. For 30 years I have been a planter importing labour into this country, and I know perfectly well what the Tamil cooly is. He is a right good fellow, doing good work, and the best friend we have; but he knows at the same time that we are his best friends. It is on his behalf I speak, it is to secure protection for the good men against the bad that I speak. I am obliged for the reply that has been given me, and I take it now that discretionary power still exists.

THE COLOMBO HOSPITAL STAFF AND CONSULTATIONS.

The Hon. L. H. KELLY next asked :—Whether it is with the knowledge and consent of Government that the Medical Officers in charge of the Civil Medical Hospital at Colombo refuse to meet private practitioners in consultation on serious cases in the Planters Wards.

He said:—I have brought this matter before the Council, sir, because it was put before me by two prominent medical practitioners, that when they were called in by some patients the medical officers declined to meet them. I only ask, of course, that they should meet in consultation.

H. E. the LIEUT.-GOVERNOR:—I may state, sir, that on inquiry I find that the medical officers of the Civil Hospital in Colombo, following the practice which obtains at home and adopting the universal etiquette of the medical profession, do refuse to see any private practitioner in consultation in the hospital. If I may be allowed to make any observations within the limits of the reply, I may perhaps be permitted to say that I think this is only a reasonable and practicable course to take, as otherwise the medical officers would be relieved of their responsibility for the patients under their charge and would have their treatment of patients interfered with in an undue manner. I think, sir, that probably the hon. member is under a misapprehension similar to that under which I was myself. I did not myself realise the technical meaning or effect of seeing a medical officer in consultation. When a private practitioner is called in, in consultaion, the medical officer who previously had charge of the patient gives up charge altogether. The consultant prescribes and it is on the consultant's responsibility that the further treatment is continued. It is manifest, sir, that it would be impracticable that the medical officers practising, say at St. Thomas's Hospital, London, should lay themselves open to dictation and interference by any medical practitioner who might be called in. At the same time, sir, I think this will accomplish the object which the hon. member has in view and set at rest any apprehension on his part. I have been assured by the medical officers that while they cannot meet private practitioners in consultation, they will always be most pleased to see the medical attendant of any patient, to hear anything he has to say, and to take advantage of any information he can give which may be useful in the treatment of the patient. I am assured, sir, that with one exception no refusal or anything that could be characterised as a refusal has ever been made. That exception—I do not know whether it is the case which the hon. member has in his mind—was in the case of a gentleman who was coming from Calcutta to place himself in the hospital here for treatment. A private practitioner here was requested to see the patient and report on him to his friends in Calcutta, and he thereupon applied to the medical officers of the hospital to see them in consultation. The medical officers, following the practice I have referred to, declined to do so, while offering every facility to the practitioner to see the patient. I may mention he was understood to say as a sequel to that case that the patient never arrived.

The Hon. L. H. KELLY:—I merely wish to say, sir, that my hon. friend has not referred to the case I mean. I do not wish to mention the names as it would be painful for their friends, but I have just handed one to the Colonial Secretary. The case was brought before me by two doctors, and also the gentleman's brother.

The subject then dropped.

IRRIGATION WORKS AND LOANS.

The Hon. W. W. MITCHELL moved:—

That this Council, whilst expressing its willingness to promote Irrigation Works, such as the Giant's Tank—provided that requirements in respect of repayment of cost are fulfilled, and that estimates are found to warrant the undertakings—considers that money for the construction of such works should be provided by means of loans, instead of by appropriations from General Revenue.

He said:—Sir, the question of irrigation and the propriety or otherwise of constructing large irrigation works has frequently occupied the attention of this Council, and it is unnecessary to traverse all that has been said *pro* and *con* at this time, but what I wish to say is that it has been shown that although some works have been fairly successful, the majority have failed to achieve the expectations which had been formed when they were first put forward. It is, therefore, very necessary for us to view with great circumspection all new works that may be brought forward and to consider well the estimates, plans and everything connected with them before we commit ourselves to them. In your Excellency's address at the opening of this Council on 18th October you stated:—

"It is now the fixed policy of the Central Irrigation Board to make every effort either to recover the capital expended, or to secure a direct return equal to a fair amount of interest on that capital, and also to refrain from recommending to the Government the undertaking of any work which cannot be shown to be fairly remunerative."

The Council in their reply to that, referring to the Giant's Tank, stated:—

"If all the requirements of the law in respect of the repayment of the cost of the work and its maintenance have been fulfilled, and the estimates are found to warrant the undertaking, the Council will be prepared to consider the best mode of providing the grounds. They earnestly hope that no vote will be proposed to them until all materials essential for a consideration of the subject have been placed before them in due time, and full opportunity given for a complete study of the merits of the scheme. Some members of Council consider that money for the construction of such works ought to be provided by borrowing instead of by appropriating from general revenue."

In this spirit, sir, I wish to state that I do not oppose the construction of irrigation works *per se* so long as the Government can make out a good *prima facie* case for the construction of any work put before us in the estimates, but what I do object to is that the requisite funds should be taken from the current revenue, thus appropriating what would be available for other purposes. There may have been justification at the time the paddy tax was levied, for such appropriations from general revenue. The paddy tax entailed obligations upon Government. Sir Arthur Gordon in his opening address to Council in 1888 referred to irrigation works thus:—

"There can be no doubt that the case of these works is one of the chief duties of Government; that this obligation is acknowledged by the receipt of grain tax."

But, sir, since then Government has abandoned its position as landlord and has abolished the paddy tax. I have always held for my part that the policy of doing so was a mistaken one. It was well meant; the intention was to benefit the goyiya, but instead of that, the benefit has been derived by the goyiya's wealthy employer; and I consider that now that the paddy tax has been abolished the right to draw on current revenue for the construction of such works has vanished. Following up the gap in the current revenue caused by the abolition of the paddy tax, we may for a moment consider the substitutes in the way of taxation that were brought forward. Fresh taxation was resorted to, and the import duty on several articles was increased, more especially the duty on kerosine oil—an article of large import, an article coming into

use in connection with engines on estates, an article largely used as a lubricant, and an article of almost universal use in connection with the lighting of dwellings. It is essentially the poor man's light, and undoubtedly the increased duty will press very heavily. The increased duty that was expected to be received from this article was R217,000, and in 1894 the estimated increase of revenue from that source is put down at R150,000. These taxes were expressly imposed to make up the deficiency caused by the abolition of the paddy tax or, to use the words of the Secretary of State, as a safeguard against deficit. In this Council last year I protested against the imposition of that increased taxation, and the Chamber of Commerce did likewise. From the Secretary of State through the local Government I received a reply which I would beg permission to read. It is as follows:—

"Sir,—With reference to the protest presented by you against the passing of the Ordinance No. 5 of 1892, I am directed to inform you that the Governor has received a despatch from the Secretary of State, desiring His Excellency to inform you that whilst Lord Knutsford regards additional taxation as a safeguard against the deficit which may possibly result from the abolition of the paddy tax, His Lordship fully recognises that if hereafter the revenue more than suffices for the demands made upon it, it will be the duty of the Government to consider whether the taxes in question should not be reduced or repealed."

The revenue proper for 1892 amounted to R18,710,289, and the estimate for 1894 is R18,518,871 excluding land sales. This revenue for 1894, as a matter of course, is not in any way made up of the paddy tax, but still there is no remission of the heavy duty imposed upon such an article as kerosine oil. The Sub Committee on the Supply Bill report that the net reduction is R125,240, but as we have been told by Your Excellency today in the Message which has been read, it will be fully absorbed by the extra interest required for the provision in connection with the harbour works. If that is so, then my contention, sir, is all the stronger that current revenue ought not to be weighted with the cost of irrigation works. If the amounts put down in the present estimates for irrigation works, Deduru Oya R91,000 and Giants' Tank R40,000, together R131,000, were eliminated, it is possible that taxation might be reduced, as I may say was promised by the Secretary of State, but the taxation is to continue and to my mind it seems like an infringement of the conditions under which it was imposed. I would like to see not only special taxation reduced, but to see the whole Customs tariff revised. I would like to see the Customs duty on kerosene oil either abolished or modified, but I should also like to see the Customs tariff revised so that raw materials should either be freed or the duty reduced in order that industries that are in our midst might be stimulated, fostered and encouraged. As is well known the metal of which machinery is made is heavily taxed, while the machines themselves are allowed to be imported free of duty. While we are seeking to encourage the successful establishment of a Technical Institute, it seems folly that duties of that nature should be maintained and that so many things should be included in the Customs tariff as at present. I hope in time it will be possible to reduce such duties as I have indicated, but how is this to be brought about if year after year large amounts are entered in the estimates for irrigation votes? I maintain, sir, that irrigation works ought to be constructed from loans in much the same way as railways are now extended in the island, local loans might be very well raised for such work. I do not say that for every small work a loan is desirable, but for a large work such as the Giant's Tank, for instance, when it is a work that the Council approves, there is no reason why a loan should not be raised. Local loans have been successfully floated hitherto, and I do not see any reason why they should not be readily taken up for works of this nature. Government and the Council would still have ample control, and I think that if money were raised in this way more care would be taken in the manner in which it was spent. If a proper debtor and creditor account were kept showing the amount of money raised for the execution of any work and how it was disposed of, if Government Agents were called upon to keep a strict account of all the moneys received and furnish a statement of the amounts that had been recovered, I think there would be a much more satisfactory result to the Council and to the country than there is at present. Large sums which are voted from year to year are lost sight of, and no return has been furnished since 1867 that I am aware of, showing what amount of money has been recovered from those in whose interest the money had been spent. In the Australian colonies, I understand, irrigation works are constructed out of loans in the manner I have suggested, and I trust that the Government of this Colony will adopt some such course as undoubtedly it will not only be equitable but in accordance with notions of common honesty. (Hear, hear.)

The Hon. the TREASURER.—May I ask one question, sir? Do I understand the hon. member to suggest that a loan—

The Hon. L. H. KELLY.—I was going to second the motion, sir.

H. E. the GOVERNOR.—It is merely an explanatory question the Treasurer wishes to ask.

The Hon. the TREASURER.—Does the hon. member intend that a loan should be entered into by the Government, and that the general revenue of the Colony should be the security; or is it his intention that a loan should be entered into say by the Central Irrigation Board and the irrigation work be the security for that loan?

The Hon. W. W. MITCHELL.—I should say that the Government ought to borrow the money.

The Hon. L. H. KELLY.—I have very much pleasure, sir, in seconding the motion that is now before the Council. When the discussion came up with regard to the extension of the Kurunegala railway, I think it was, that question of money being obtained by means of a loan for special works was brought before the Council; it was then voted that the money should not be taken out of the general revenue, and I think the feeling of the Council generally then was that for all such public works—we were dealing then of course with railways—the money should be raised by loan. I trust the Council will not for one moment misunderstand me or suppose that I in any way object to irrigation works. I do not object to these works, for I think that wherever it is found that irrigation would be for the benefit of the country it is the duty of the Government to undertake it (Applause); but I must follow my friend on my left (the hon. the mercantile member) in his argument that it is hardly fair to take a portion of the general revenue of the colony for one specific product. I understand, and I believe my information is correct, that it is the idea of the Government at present not to enter into irrigation works of this description unless it can be shown that the works will pay about 4 per cent. Now, sir, if it can be shown that any irrigation works can be constructed to pay 4 per cent, these works must undoubtedly be undertaken and with as little delay as possible. The credit of the colony is sufficiently good to enable it to borrow the money and to

leave a margin of profit on the interest it would have to pay. The policy of the Government has always been with regard to such public works as railways, will it pay?—and the works in which they have embarked have proved the care they have bestowed and the calculations they have gone into. Certainly, as regards the railway, it has paid. Why, sir, I would ask, should not the same thing apply to irrigation in this country. The staple in this country at present is tea, and the opening up of the country for this staple is done on the grant-in-aid principle, and a very proper principle it is, but if that applies to one, I should say that it ought to the other, the same care should be taken before we embark on any large work which may turn out a great advantage or a failure. We have on the estimates a sum of R136 000, and besides that there is a sum of R200,000 voted to the Irrigation Board, making together R336,000. There is no objection to the R200,000—I do not grudge that—but I say that in instituting or opening up a new work entirely, it is the duty of Government to go carefully into the matter, and if they can prove that the work will pay 4 per cent or even a less percentage, the Government can very safely borrow the money in exactly the same way as loans have been raised for railways and other public works. With regard to the Giant's Tank we in this Council have no information before us today. I asked for the plans of that work, but up to the present moment they have not been put before us, and therefore the Sub-Committee felt that they could not honestly offer any opinion at all upon it. The Giant's Tank may be a useful work or it may not, but I have heard from those who are competent to express an opinion that a very much smaller scheme should be taken, that the road from Mannar should be taken along the bund, the gaps in the bund filled up, and a smaller amount of land irrigated as a trial scheme. I am perfectly certain that there is no one in this Council but who, if it is proved that it is for the advantage of any portion of the population in the Northern Province, will gladly wish to see the work pushed on, but pushed on in a business-like way—pushed on by means of a loan—and accounts laid before us regularly in order that we may judge as to future works. I have much pleasure in seconding the motion.

The Hon. M. C. Abdul Rahiman said:—Your Excellency visited the district of Mannar and was very strongly impressed upon to restore the ancient tank, and I believe that the feelings of Your Excellency were very much touched by the miserable condition of the unfortunate human creatures and that you deeply sympathized with them. I am always looking to the welfare of the native population, and have an earnest desire that the food of the people should be supplied by their own cultivation. The Giant's Tank scheme is one of the large concerns and the amount of money to complete the work is nearly half a million rupees. The Dedruoya work is still incomplete, and until that work is completed, the Giant's Tank work may be postponed. According to the report of Mr. Parker, the Giant's Tank restoration would help to cultivate an area of 16,000 acres and the cost would be R440,109 which would be a cost of R30 an acre. Are the paddy lands in that quarter worth as much as the amount spent for the restoration? and will the people purchase the land at any thing like the amount of cost upon that land? According to the census report there are living in the Mannar district only about 7,000 males between the ages of 20 to 60 years. Out of that number how many men will turn up to take to cultivation? And how many persons of other districts will flock in to Mannar to take up cultivation? The vote before the Council is only R40,000, which compared with the gross amount is only one-tenth. I do not think any good will result by spending piecemeal fashion. If the work is really beneficial and sure to realize anticipations, the whole amount may be borrowed at once. The Irrigation schemes did not prove to be very successful, and some of them proved to be a failure, especially in the North-Central Province with drawbacks, such as want of men to take up the irrigation and the unfavourable climate. Since the abolition of the paddy tax an annual vote of R200,000, has been allowed from the general revenue for the benefit of irrigation, and nothing more should be voted for this purpose from the general revenue.

The Hon. P. Coomara Swamy:—Sir, the principle put forward by the mover of the resolution is a good one, that is to say to borrow money for all irrigation works as a whole at one and the same time (hear, hear); but if Government are to borrow money for every irrigation work bringing in a bill at one time for so much and next month for so much instead of asking for one large vote of so many millions at once, it will, I think, cause great inconvenience to Government and to the people who are to benefit by it. (Hear, hear). It has been stated that irrigation works do not pay. I have gone fully into the matter, and I have seen an interesting paper read by the present Government Agent of the Western Province before the Royal Asiatic Society in which he goes into the figures up to 1868 and between 1868 and 1883. In that paper he clearly showed that most of the irrigation works did really pay, and I believe that if the Government Agent, W. P. will only speak today he will be in a position to put facts before the Council which will prove conclusively, that in health, in increase of population and in revenue, the irrigation works which Your Excellency and your predecessors promoted have done well for this country. It is said that for such works you must borrow money. Why didn't the hon. member for the mercantile community suggest that for the Matale Railway Extension, which is not a paying work, money should also have been borrowed. Through that part of the country which it is proposed to benefit by this Giant's tank irrigation, lies the route along which the coolies imported from India come. That part of the island is very much liable to disease, and to protect the people against the effects of disease and to enable them to resist disease you must give them good water and good food. The coolies are imported not for the benefit of that district but for the benefit of the whole island, and therefore I say the revenue of the whole island must be taxed to benefit such parts of the country. It is also said that the paddy tax having been removed you must not touch any part of the revenue for these irrigation works. From the paper to which I have referred, I find that up to 1868 the people paid in paddy tax one and a half million pounds sterling, and from 1868 to 1883, that is for 15 years at the rate of one million rupees a year or fifteen million rupees for the period. If you look into the works that Government have undertaken you will see that you have not really paid back that money to the people to the extent perhaps of one-fourth. Apart from that there is the direct benefit to the country. What do you do with the value of the land that you sell? It would be right perhaps to borrow money if you funded the value of the land you sell, but you put it

into the general revenue, and yet you say "don't spend anything on irrigation out of the general revenue." I am sorry that I shall be obliged to vote against this motion.

The Hon. the ACTING GOVERNMENT AGENT, W.P: —Sir, it is gratifying to find that both the mover and seconder of this motion have expressly stated that they have no objection to irrigation *per se*. They however wish the funds for this purpose to be raised by means of a loan and not taken from general revenue. Some years ago there was an hon. gentleman of this Council who said that whenever Government did not want to carry out any work that he proposed, they went to one of their officials and got a big estimate and that be called "a choker" for nothing was afterwards done. Now sir, I think I may say without doing any injustice to the mover of this resolution that his motion may be considered as a "shelving" one. He does not want the expenditure on Irrigation to be taken from the current revenue but obtained through a loan, which is just a deferring of the matter, for he is not ignorant of the difficulties of obtaining authority for such loans. In the next place I do not like the way in which this motion is expressed. For instance, it emphasises that conditions as to repayment and estimates should be fulfilled. Now this is scarcely necessary as it is well-known that your Excellency has been paying great attention to this question of estimates, and the Sub-Committee on the supply bill have been unable to come to any determination or to make any recommendation in regard to the proposed vote for the Giant's Tank, because unfortunately the estimates were not ready to be placed before it. Now as regards the debate it has taken a turn which in special reference has been made to the Giant's Tank, but that is not the express issue before the Council, and I would rather take a wider view of the question and answer some of the objections which have been raised to the irrigation policy of the Government. The hon. mover has a great desire apparently to put irrigation on a business footing. Now, sir, that idea is not new. Sir Hercules Robinson when he started irrigation in 1867 in his celebrated speech initiating the new policy of Government, desired that the maximum expenditure should be limited to R2 per acre repayble in 10 years which was equivalent to R20 per acre. Practically that, sir, was found to be, I wont say an impossible but a very difficult limit indeed to keep to. In the wish to keep within that margin undoubtedly inferior work was done, and as an instance of that, I would refer to the case of Denegama. In the endeavour to keep down the expenditure there to the limit which the Governor considered fair, the bund had to be made in a manner by which greater risk was entailed than was the case under the mode in which bunds were made afterwards. The consequence was that the tank burst twice, and in the end the expenditure amounted to R150 per acre. Sir Wm. Gregory when he succeeded to the Governorship saw the difficulty, and in 1873 he brought in an Ordinance which allowed the payment of R1 per acre in perpetuity to cover interest and upkeep. This came before a Sub-Committee of the Council, and the report they made was that the irrigation assistant did not expect some of the works then contemplated to repay the cost in accordance with the strict terms of the irrigation scheme. This was the first recognition that possibly there were other sources from which an additional return for irrigation might be looked for. That expenditure went on till 1883, and evidently my hon. friend is not familiar with what has been published. The hon. the Tamil member has I see hunted up a paper by me in which I reviewed the return down to the end of 1883. It was found that there had been an expenditure of R2,600,000, and that R926,000 had been repaid in various ways. The return from irrigation was then about 4¾ per cent out of which 1 per cent had to go for upkeep. This certainly included the return from the increased grain revenue from irrigated lands; but it is now said that because the grain tax has been abolished the reason for contributing from general revenue has passed away. I am not prepared to admit that. First of all we must not forget the contribution that was paid in years past which has been alluded to by the hon. the Tamil member. I have taken the trouble to bring the figures down to the time of the abolition, and I find the contribution from the grain revenue up to the year 1890 exceeded 33½ million rupees, while the total expenditure on irrigation up to the same time was about six million rupees.

People are sometimes apt to overlook the other sources of refund and consider that nothing has been paid back; it has been stated in certain public prints that almost nothing has been paid at all. The Central Irrigation Board has I believe been preparing a return, and I think it is to be regretted that it has not been made public. At present I am only in a position to give some idea of what refund has been made in two of the provinces with which I have been connected. Take for instance the Southern Province. The repayments there are:—Matara R98,698, and Giruwapattu R41,536, together R140,334. In Batticaloa I find that the land sales have yielded R470,144, and the repayments have been R170,886, making a total of over R641,000. I may mention that I do not believe that one acre of that land would have been sold if irrigation had not been provided to bring it into cultivation. In Trincomalee R49,217 (including R10,674 realised from land sales) has been repayable out of R57,000 expended on Allai Tank. Then in Kanthalai where there is no water rate the repayment has been R21,762 from land sales and also R10,000 from the Batticaloa and Jaffna Co. R31,762 out of R72,000 expended. I think, sir, we are entitled to credit all these sums in the aggregate to the expenditure on irrigation. As regards upkeep in the past we have the increase in the grain tax which more than sufficed for that; and for the future doubtless a special levy will be made as is provided by law.

Although the paddy tax has gone I cannot admit that there is no adequate return of any sort, for everything did not go with that. I desire to prove the fallacy of the statement that there is now no adequate return, and to show that there are other sources from which a very good return can be had. Government has never descended to run its policy as regards its works on the basis of a Limited Company working for dividends, and there are higher motives which must and do govern its policy and to which it is forced by the exigencies of the situation. This has been noticed to stand out by outsiders, and as it is sometimes good to see ourselves as others see us, and I would at this point quote from the work of an Australian statesman (Mr. Deakin) who recently visited India and published his impressions. He said:—

"The physical conditions of climate and product have certainly been paramount in undertaking the development of irrigation. The gigantic works undertaken by the Indian Government and those on a smaller scale in Ceylon, were not a speculative beneficence, but were forced on by terrible famines which periodically visit portions of the

territory. In many instances these are occasioned by a deficient rainfall, and sometimes the deficiency endures for 2 or 3 consecutive years. The ryots are able with difficulty to tide over one bad year, two places them in great straits, and three entails wholesale starvation."

Considerations of this nature have not been ignored by the Central Irrigation Board, for while they give prominence to their willingness to undertake what they call remunerative works to pay 4 per cent they also recognise that there are other works to be taken up and which they appropriately call aided works, and for which they provide in their regulations as follows :—

"Aided works are understood to be such works as having been sanctioned by the Central Irrigation Board at the full rate per acre per annum, or on special conditions of partial exemption or total exemption from liability on the part of the landowners benefited, bring in a net return over and above the cost of upkeep but one which is less than 4 per cent on the outlay. In the case of proposals which come before the Central Irrigation Board accompanied by such conditions as will reduce the net return which can fairly and reasonably be expected to 3, 2, 1 or even less, per cent and which therefore will fall within Class (2) (Aided). The desirability of the scheme from the material point of view that is, from the point of view of the indirect return in the form of relief and prosperity will have to be proportionately more important and such as may warrant the Central Irrigation Board in exercising its power of granting liberal terms."

Now, sir, I fear that if we go on the old principle which has been so warmly advocated by the hon. member, we will limit the expenditure to these aided works. My special object today is to show that there are other sources from which there is a good return, and which justifying the course indicated being liberally followed. An Indian writer says :—

"The importance of the indirect returns from Irrigation works can hardly be pressed too much. In time of drought they save human life and the outlay incurred in costly measures of relief."

The motion of which the hon. the Sinhalese member has given notice will bring before the Council the amounts spent on relief, but the points which I wish specially to bring out are that an undoubted increase of population has followed expenditure on irrigation, and that an increment to the general revenue is due to such an increase. I would ask the Council to remember that every additional taxpayer we add to the population contributes a certain amount to the revenue. Thus through the Customs the contribution, exclusive of grain is 60 cents a head; and I would impress upon the hon. the mercantile member that 8 cents of that is the duty on cotton goods. Arrack gives 40 cents, salt 32, tolls 12, stamps 22, and the Road Ordinance (calculating that every five men give one additional labourer at R1·50) 30 cents, bringing up the total to R1·96 or practically R2.

The detailed Statement from which the hon. gentleman quoted was as follows :—

TAXATION PER HEAD.
Population 3,000,000.

CUSTOMS.

Total..... ..	R4,500,000
Deduct Grain...	2,500,000
	2,000,000
,, (exports)	127,000
	1,873,000—60 cents a head

Cotton manufactures	250,000—	8	cents a head	
Arrack... ...	2,179,000—	40*	,,	
Salt..	R965,500	32	,,	
Tolls..... ...	357,000	12	,,	
Stamps.. ...	670,000	22	,,	
		1·66		
Contribution under Road Ord. R1·50 ÷	5	30		
		R1·96		

Continuing he said :—Now, sir, as regards the increase of population, the evidence is abundant and undoubted. If anybody will take the trouble to read the return of the Census Commissioner who has not written as a supporter of irrigation but as an officer dealing with the facts before him, he will find that in the irrigation districts the population has increased from 15 to 27 per cent in each decade. The contrast with districts that are not irrigated is very instructive. In Vavuniya between 1871 and 1881 the increase was 2·9, in Ratnapura 4 per cent, and in the N.-W. Province, 3 per cent in Damala pattu, and 3 in Hiriyala pattu. In the same period the figures show a decrease in Mullaittivu of 3·9 and of 6·2 in Matale North. I cannot give you the figures for all the irrigated districts, but will shortly notice the progress in the districts with which I am most familiar, especially in East Matara and Giruwa West, where there was a terrible drought in 1866-67 when 10 per cent of the people died from fever and want of food. Mr. T. Steele, the Assistant Agent at Hambantota, in his Administration report, gave a terrible picture of the suffering at that time.

The part of the report to which the hon. gentleman referred is as follows :—

"That terrible season of drought and famine wrought grievous havoc, decimating the people, and destroying flocks and herds. The tanks, never thoroughly filled, from insufficiency of rain, were speedily exhausted; the fields were either not cultivated, or if sown, bore scanty harvests; while the pastures, which, at the best of times, have never a very luxuriant shew of herbage, became parched, brown and bare. Desolation and distress were widely spread. Famine stalked abroad. Pestilence raged among men and cattle. Such scenes have fortunately been spared us during nearly the whole of 1867; but wherever the calamity of a long-continued drought prevails, there is, in parts of this district, a strong probability that similar dearth and misery will reappear. Want of water in a region, where unlike the hilly country, springs are few, and where the inhabitants rely solely on the supplies collected in the tanks, signifies too often barren fields, withered pasturage, sickness, famine and death. A remedy is not far to seek. Much might be done and ought to be done, in utilising the streams which run through the district, pouring into the Indian Ocean their not superfluous but unappropriated waters which, rightly directed, should replenish and invigorate the thirsty land and people. By a well-devised system of anicuts, sluices, and channels this would be feasible enough; and the day is, I trust, not far distant which will see this simple, but magnificent and really noble and philanthropic enterprise accomplished. Nor will it be a barren philanthropy I mean in point of pecuniary profit even.'

Now to begin with in the Hackmina division the population increased from 9,992 in 1871 to 13,574 in 1891. That is a difference of 3,582 which is equal to 36 per cent, but knocking off 8 per cent,

* The rents below is really 70 cents including the Central and Western Provinces, where the consumption is affected by the presence of a large number of Indian Tamils. The figures below is the rate in Matara, which is a prosperous agricultural community, entirely Sinhalese.

viz, 4 per cent for each decade as a fair normal increase in non-irrigated districts, it leaves 2,800 men. That number at R2 a head gives R56,000, which is equal to 4½ per cent of the expenditure on irrigation in that district which was R123,000. Since irrigation was introduced into that part there has been no want or starvation and no recurrence of the frightful state of things which was formerly recorded. In the Wellebodde pattu, in the Matara district, a similar state of things occurred, and Mr. Home the contractor when he went down to start work found the people so weak that he had actually to feed them up before he could get a day's work out of them. There the expenditure on irrigation in 1867-91 was R118,957, and the population increased from 28,214 in 1071 to 38,083 in 1891, being an excess of 9,869, equal to 32 per cent. Again, knocking off 8 per cent the balance is 7,613 men at R2 which gives R15,226 equal to 14 per cent on the expenditure. In Giruwapattu West the population increased from 38,300 in 1871 to 70,313 on 1891 being an excess of 32,000. Deducting 8,000 for immigrants and still further deducting 8 per cent as in the other cases the abnormal increase was 21,000 which at R2 gave R42,000 or 14 per cent on R296,022 which was the expenditure from 1857 to 1890 including the original expenditure by Sir Henry Ward on Kirema and Urubukka. Turning to the Eastern Province, I find in Kottiar the population increased from 3,740 in 1871 to 5,441 in 1891, being an excess of 1,700, which subject to the usual deduction gave 1,564 which at R2 gave R3,128, or equal to 5½ per cent on the expenditure which was R57,782. In Batticaloa which is admitted to be a very great success as regard to irrigation, the population increased from 70,000 in 1855 to 122,699 in 1891—an increase of no less than 74 per cent. There has been no emigration here, but as above reduced the increase is 40,000 which at R2 gives R80,000 which is equal to 8 per cent on the total expenditure R1,054,000.

Surely such returns as these, though collateral and indirect, are ample to make amends for any insufficiency in what hon. members are pleased to call direct returns. These figures dispose of the argument that paddy cultivators and those who owe their very existence to the expenditure on irrigation do not contribute to the general revenue. The figures which I have given for these various districts amount to R198,000, and I daresay the total will be considerably increased by working out on the same basis for the other districts in the island. With such returns I do not see how any member can object to a reasonable expenditure from general revenue upon irrigation. I fear I have detained the Council in giving all these details. I have taken considerable trouble in working them out, and I trust that they may remove some of the misapprehensions which has existed about the returns from irrigation.

The Hon. A. De A. Seneviratne:—Sir, I do not see any reason for supposing that the irrigation policy pursued hitherto should be considered as on its defence now. My hon. friend who has just sat down has given figures which would be very useful were the irrigation policy of the Government on its defence; but I trust that the time for needing a defence of the kind is very far distant yet. The hon. the mover in the very words of his motion expresses his willingness to promote irrigation works, so evidently he does not put the irrigation policy of the Government on its defence. I therefore do not wish to enter into that question now; but I think in the interests of the Council the motion should be opposed as it would have the effect of restricting the discretion of the Council in future. If any special work is proposed it will be for the Council when estimates and details are before them to say whether it should be paid for by means of a loan or out of general revenue; but for us now to lay down the general law that all works of the nature of the Giant's Tank should be constructed out of a loan, is I think going beyond our proper rights. We would be laying down a rule for our successors in the future and not for ourselves only. I do not think that is fair or just, and on that ground alone this motion ought to be opposed. Now although the hon. the mercantile member in his motion, expresses his willingness to promote irrigation works, yet in the course of his speech he stated that irrigation works do not require the support of the Government now, because the paddy tax has been abolished. I do not think that my hon. friend took exactly the same view on previous occasions, I was perusing a little while ago a speech he made on the irrigation question in which he said:—

Various opinions are held with regard to the irrigation policy of the Government, some approving and some disapproving. I do not come forward to justify all the irrigation policy of the Government, during the past, nor do I come forward to condemn it. Irrigation works are said to be of two denominations. Some are said to be charitable, that, I think, is the term which has been used, but I rather consider it to be a misnomer. (Applause.) When one bestows charity he does not look to get a return for it, and I take it that in the irrigation works which are carried out by the Government, those who are to be benefited, contributing largely as they do to the cost of these works cannot be said to be altogether objects of charity. (Applause). I would rather term them, if a term of the kind had to be found, works of benevolence. The other description may be termed, I suppose, works of a speculative nature. The former I consider to be a debt we owe to the wretched inhabitants of these villages, whose condition has been so fully described by the Hon. the Surveyor-General.

The condition of many other villages has been described by my hon. friend who has just sat down, and if we refer back to the speech of the Surveyor-General we shall find the poverty stricken condition of the villages, which he was acquainted with, very graphically described.

The hon. the mover of the motion goes on to say:—

I myself would deprecate large works where success as speculation was questionable or doubtful, unless after full inquiries and with reasonable ground for believing that what was provided would be availed of and that in course of time it might stand the test of will-it-pay and the machinery for this the Irrigation Board affords.

And further on he says:—

With regard to the speech of the hon. the planting member yesterday he said—cultivate other things that pay better than rice. That would be all very well in its way. I should like to see many other things cultivated. I dare say it would be very fitting for me to say that I should like to see cotton largely cultivated in these districts, (Hear, hear.) But I am afraid that the inhabitants would find that cotton made but a very poor meal, and that would not serve for their sustenance. The hon. the planting member also said that the country is not a rice-producing country. Well, it is not wholly a rice-producing country, but I would ask him what other thing than paddy can be grown on a paddy field.

Now, sir, it is in order that these paddy fields may be utilized to grow grain that irriga-

tion works are necessary. I need not quote the whole of that speech, but I do not find that my hon. friend mentioned the retention of the paddy tax as a reason for continuing the irrigation policy of the Government. Nobody in this Council I feel sure cares to spend a cent on works that are merely speculative. The works are most fully inquired into. The Provincial Board has to report to the Central Irrigation Board, and it in turn goes carefully into the matter and reports to the Government. The Executive Council then go into the whole question, and if they are satisfied they ask for a vote in the Legislative Council, the members of which have then the opportunity of looking into the details, and if they approve the work is undertaken. It cannot therefore be said that no care is taken about the works as in point of fact they are most fully scrutinised, and so I do not think that the remarks made by the hon. member with regard to works of this nature are applicable now, whatever may have been the nature of the case, before the Central Irrigation Board began actively to take these things in hand. It was only in 1887 that Central Irrigation Boards were created and the Ordinances were consolidated in 1889, and if there was any intention to condemn the present policy of the Irrigation Board, something against their work during these later years should have been shown. If my hon. friend had confined himself to the question of the Giant's tank, I think it would have been competent for us to express an opinion regarding it, and whether the project should be undertaken by means of a loan or the money taken out of the general revenue. But that is not my hon. friend's motion. He would take in all works of the same kind. Before I forget I should like also to refer to certain remarks made by Your Excellency's predecessor with regard to the maintenance of irrigation works even after the abolition of the paddy tax, for he did contemplate the possibility of the paddy tax being abolished. In reply to a certain point that I had raised—and if I had had a little more experience I would not have raised it—His Excellency observed:—

I must say that I have seldom heard a weaker argument or one more absolutely without foundation than that put forward for delay with regard to this law because forsooth the Grain Tax Committee have not reported! Why, gentlemen, if the Grain Tax were abolished tomorrow; if the Grain Tax had never existed; if no other tax wer imposed instead of it, would not paddy still have to be grown? Would paddy cease out of the land? Would it not still be necessary to sow paddy, to water it, and to reap it? Would not irrigation be just as necessary whether the grain raised by that irrigation were taxed or not taxed? It seems to me so, and as this bill from the beginning to the end relates wholly and exclusively to the cultivation of paddy and the provision of irrigation for it—irrigation, equally necessary whether that grain is taxed grain or untaxed grain—I cannot see the smallest possible reason for postponement supposing that were the only reason put forward.

If you add to that what my hon. friend himself observed as to the poverty of the people and how necessary [illegible] as that the Government should provide water for them in order that they might carry on their cultivation, I think that will be a complete answer to that part of the question. My learned friend who represents the Tamil community has already pointed out as regards the Giant's Tank itself, that in justice to that poverty-stricken people there a good water-supply is necessary for the purpose of cultivation and of enabling the people to resist diseases imported by the coolies passing through the district. These facts go to show that as regards the Giant's Tank there is certainly some necessity for opening up irrigation works. I submit however that that question is not before us yet. Your Excellency has promised to place the papers before us, and until that is done we should not condemn the scheme or otherwise. It will be time enough to consider the matter when we have the details before us. Before I sit down I should like to point out that a good deal of scrutiny is exercised before this Council is asked to vote money for these large works. I would refer to sections 39, 40 and 41 of the Irrigation and Paddy Cultivation Ordinance. When the Central Irrigation Board after full scrutiny is satisfied that the work is likely to yield a good return, application has to be made to the Governor in Executive Council, and if Government is satisfied, then they may ask for provision to be made in the Supply Ordinance. In the face of that I do not think that remarks should be made that works of this nature should be fully scrutinized as if they were not so scrutinized before they were taken in hand. Then again we are told that in the planting districts important works are really done by the planters themselves and no help of this kind is given them at all.

The Hon. L. H. Kelly:—No! no! I said grants in aid.

The Hon. A. De A. Seneviratne continuing:—Take the case of hospitals. When we think hospitals are necessary do we ask that the money should be raised by a loan. (Hear, hear.) Then why should we in a district where water is necessary, say that the money should be raised by a loan? Why should not the money be taken from the general revenue if the work is of general utility. Is it because the money goes to foster a special industry that the work is not to be considered of general utility? It is open to my hon. friend the planting member and others who are now engaged in tea planting to cultivate the paddy-fields near these tanks if they think it will pay them. But no. They are capitalists and they find that they get a better return by sinking their capital in a tea estate. The poor goiyas have no capital of that kind, and the only thing they think of is the value of their manual labour in the fields. They have for generations past been accustomed to that, and what they expect from a paternal Government is the wherewithal to carry on their paddy cultivation. They say "Give us water and we will cultivate." In the course of his remarks my hon. friend made reference to what he says is the heavy duty laid on kerosine oil. Now, where are the poor people who suffer from that? Can my hon. friend point to the case of a single bottle of kerosine oil having gone up in price in consequence of the increase in the duty. That would be one way of proving that the poor are sufferers. That the price of kerosine oil is low enough for the poorest man would be evident to my hon. friend, if he would go into the interior where the poor invariably use kerosine oil. They have abandoned coconut oil and taken to kerosine which is cheaper in spite of the additional duty. My hon. friend has said that if the money were raised by loan for works of this nature there would be a closer scrutiny, and everybody concerned would be more on their guard. I do not see why, if the money for these works is taken from the general revenue, a similar close scrutiny should not be exercised and the officers who are concerned held to their responsibilities. I think every facility should

be afforded not only to the members of this Council, but to the public at large to scrutinise closely how works of this kind are done and how the money is spent. If that were done I do not think that the irrigation policy which has been pursued latterly would be open to any remarks on the part of my hon. friend. I am aware that members very often ask for certain returns because certain matters that they expect to be placed before Council every year are not so placed. Just in the same way as regulations under Ordinances which are expected to be placed before Council have not been so placed either through forgetfulness or because the Government Agents could not draw them up in time, or something of that kind, so returns that would give all details which would satisfy the public are not often submitted unless actually moved for. If a return as to the actual amount spent, the tanks that are being opened every year, the number of acres benefitted, the number of acres sold, and if returns in respect of each work, were submitted regularly, I do not think that there would be many remarks made by people who are opposed to irrigation works. Of course the members of the Central Irrigation Board have the means of getting at these details, and they are fully convinced of the justice of the policy that has been pursued. I only trust that in view of the remarks that have been made on the other side as to the facts, figures and details being more accurately gone into in the case of works which are undertaken on loans, a similar close scrutiny will be exercised as regards works that are undertaken out of the general revenue.

The Hon. the Acting Surveyor-General.—Sir I wish to say a few words about the wide difference that exists between loans for harbours and railways, and loans for irrigation works. In the case of harbours and railways, the trade and industry are already there, while in the case of irrigation, the industry follows the making of the tanks. Money is spent in making the bunds and channels, and there is no immediate return to speak of; but it comes slowly, with time, as the people come to the district, and are enabled to bring it into cultivation. It may be a matter of years, and is a totally different thing from a loan to make a harbour or a railway for trade and industry which are already in existence. When the money is spent on making a tank there are as yet few people on the ground, and the revenue to meet sinking fund and interest does not come perhaps until long after the land has been aswedumized and brought into cultivation. Therefore I say that while the one is a suitable subject on which to raise a loan, revenue being immediately available; the other is not a suitable subject.

The Hon. the Auditor-General:—Sir, it seems to me that the question before us is a very simple one, namely as to the best manner of financing large irrigation works. The Government have already accepted the principale of the hon: member's motion in one case, namely that of the Kelawewa tank for which they borrowed a large sum of money from the Savings' Bank. It is possible therefore that this motion may find acceptance with Government if it is so worded as to say distinctly for what class of works the Government should borrow money. The only work mentioned in the motion as it now stands is the Giant's tank. I would appeal to the hon. member who brought forward this motion to give a money limit to the estimate on which the work is to be undertaken. If the money limit is sufficiently high it is possible that this motion may meet with acceptance from Government. Speaking individually I own I prefer the old-fashioned way of providing for irrigation out of general revenue. Ultimately, no doubt, whether a work is constructed from a loan or otherwise, the cost must be defrayed from general revenue, because the general revenue guarantees the loan.

The Hon. W. W. Mitchell:—Sir, before replying to the remarks of the Auditor-General I would like to take notice of one or two observations that fell from the other speakers. The hon. member who represents the Tamil community says that the raising of numerous loans would cause great inconvenience to the Government and to the people; but sir it is not as if we were going to ask for a loan every month in the year. I do not suppose that we will have a new irrigation work every year for which a loan will be required, and if a loan were even required once a year I think it would be more acceptable at that interval to the lenders than in any other. He also twitted me with not having in my place in Council, at the time that money was required for the construction of the Matale railway, brought forward the suggestion that it should be raised by a loan. I presume that he is under the impression that the Matale railway was made out of general revenue; but I think he has failed to pay that attention which I am sure he would have given if he had thought that I was going to make the statement that I shall do presently. I am sure that if he had given to the details of the estimates which have been in his hands as a member of the Sub-Committee on the Supply Bill that attention which they require he would have found amongst the details of expenditure on page 90, the item of interest and sinking fund for the Matale railway provided for by loan under Ordinances 8 and 12 of 1887. I think that sufficiently answers the hon. member. The Government Agent for the Western Province spoke of my motion as a shelving one. I repel the insinuation. I have no desire, as I said at the outset, to shelve irrigation works. As I stated I am altogether in favour of irrigation works *per se* upon certain conditions. Then he has found fault with the words in my motion "provided the requirements in respect of repayment of cost are fulfilled." Why these words are taken from the reply of this Council to your Excellency's address to which the hon. gentleman himself subscribed and I fail to see how he can now take exception to them. He has given us a number of figures relating to repayment. Where these figures were taken from I do not know, but I will be very glad to have them for general information. I only hope that they are more reliable than the figures that are usually available or within our reach with regard to such matters. The hon. gentleman also went on to tell us about the increase in population as the result of irrigation and the additional contribution to the taxes because of this increased population. Well the first thing that occurred to my mind when he was speaking on that head was the Kalawewa tank, and as far as I am aware from the administration reports of the Government Agent, the people who were settled near that tank actually bolted so that I do not see that there was very much in favour of his argument to be got from that instance. Then, to the remarks of the Sinhalese member, my hon. friend spoke of binding our successors by borrowing money. Well, I do not see that we bind them any more than now when we agree to carry out a certain work and go on year after year voting certain sums towards it. When we have gone and our successors came on the scene, of course, they have to finish the works which have been begun,

The hon. member I think also rather assailed me as having attacked irrigation works generally and the present policy of the Irrigation Board. One would almost have thought that my learned friend had got a special retainer for the defence of the Irrigation Board. I am sure I did not say a single word about its operations, and it is far from my wish to cast any reflections upon it in any shape or form. He also spoke of hospitals which are being erected largely for the use of the planting community and the utility of them. but, hospitals are of general utility. They are paid for by those who go into them, and they are there for the purpose of being occupied by the sick of the entire population, not merely the Tamily cooly but the Sinhalese as well. Then I may ask—What about the dispensaries throughout the country, the lowcountry more especially. If the one is to be provided for by a loan surely the other ought to be. I do not think he would wish a special loan raised for every dispensary that is desirable throughout the country. Now I come to the remarks of my hon. friend the Auditor-General. He has put the matter very fairly and suggested that I should name a sum under which it should not be necessary or desirable to borrow money for the construction of a work. Well sir, I should like to see all irrigation works constructed by means of a loan, but still I shall be very glad to compromise matters. Half a loaf is better than no bread, and I would suggest in reply to the hon. member that if it will meet with the acceptance of Government the motion might be altered so as to read :—

"That this Council, whilst expressing its willingness to promote Irrigation Works, provided that requirements in respect of repayment of cost are fulfilled and that estimates are found to warrant the undertaking—considers that the money for the construction of any work the estimated cost of which will exceed R200,000 should be provided by means of a loan, instead of by appropriation from General Revenue."

This would recognise the principle I contend for and the large sums to which the Council has hitherto been committed will in future require to be borrowed, for works costing under R200,000 there will be no necessity for raising loans, I will be very glad if the motion in the amended form is accepted by Government.

The Hon. L. H. Kelly :—Sir as the seconder of the motion if Government are 'prepared to accept it in the amended form I shall be happy to agree. I trust Government will accept the amended motion.

H. E. the Governor :—While I am not unwilling to accept the principle on which the proposed amendment has been made, I would observe that the sum of R200,000 seems to be rather a low limit to fix. There are very few works of any magnitude which could be constructed for so small a sum as R200,000. I have at present two works of magnitude in my mind and I hope it may be possible to construct both for about R300,000, I should prefer if the hon. mover and seconder would so far further amend the motion as to the fixing limit at R300,000 instead of R200,000. In that case I should be willing on behalf of Government to accept the motion.

The Hon. W. W. Mitchell :—Sir, I am willing to accept this as a concession towards that which I would like to see. As I said in bringing forward the motion I would like to see all irrigation works provided for by means of loans, but if this is all the length that Government will go I will gladly accept it.

The Hon. L. H. Kelly :—I am prepared also sir, to accept it, although I regret that Government do not agree to fix the sum at R200,000, because the effect may very possibly be to interfere with smaller works which I should like to see taken up. Although the hon. the mercantile member has accepted the suggestion to make the limit R300,000, I think the Governor might meet us and make it a little lower, say R250,000. I think by splitting the difference we might get out of the difficulty. (Laughter.)

H. E the Governor then read the resolution as amended R300,000 being stated as the limit instead of R200,000, and the vote was taken as follows :—

Noes. (3).	*Ayes.* (1).
The Hon. P. Coomaraswamy	The Hon. L. H. Kelly
Do A. de A. Seneviratne	Do Abdul Rahiman
Do T. B. Panabokke	Do W. W. Mitchell
	Do the Principal Collector of Customs
	The Hon. the Surveyor-General
	Do the Govt. Agent, C.P.
	Do the Govt. Agent, W.P.
	Do the Treasurer
	Do the Audt.-General
	Do the Attorney-General
	H. E. the Major-Genl.
	Do Lt. Governor

H. E. the Governor announced the result as follows :—Noes 3, Ayes 12. The motion is therefore carried.

REPAYMENT OF COST OF IRRIGATION WORKS.

The Hon. W. W. Mitchell :—Sir, I have to request the permission of Your Excellency and the Council to allow me to alter the next motion which stands in my name. The object of the alteration is to include Ordinance No. 2 of 1873 which in drawing up the motion I had overlooked. As amended the motion will read as follows :—

"That a statement be furnished showing the contributions by proprietors in each province in payment of sums expended on the cost of Irrigation Works, under Ordinance No. 21 of 1867; also, as charge in perpetuity under Ordinances Nos. 2 of 1873 and 23 of 1889 from 1867 up to this date.

I shall not take up the time of the Council by making any remarks upon the motion, but I may say that Ordinance No. 21 of 1867 provides for repayment in annual instalments, that Ordinance No. 2 of 1873 provides for a charge in perpetuity of R1 being recovered and that Ordinance 23 of 1889 provides for both these methods.

The Hon. P. Coomaraswamy seconded.

His Excellency the Lieutenant-Governor :—The Central Irrigation Board are engaged in collecting the information, and perhaps I should give the hon. member warning that it will take a considerable time to prepare: I have been informed that we need not expect to see it for the next six months.

The Hon. W.W. Mitchell :—I will be very glad to have it then sir. The time will be well spent in getting up a very valuable return.

The motion was adopted.

OVERDUE PURCHASE MONEY.

The Hon. A. de A. Seneviratne moved :—

For (1) a return showing the acreage of lands sold during the last ten years in the North-Central Pro-

vince on which instalments of purchase money are overdue.

(2) A return showing the acreage of such lands which have been advertised for re-sale in default payment.

The Hon. P. COOMARASWAMY seconded and the motion was carried.

H. E. the LIEUT.-GOVERNOR was understood to say that the return had already been called for.

THE LADY HAVELOCK HOSPITAL.

The Hon. ABDUL RAHIMAN rose to move :—

That in the opinion of this Council a sum equal to the amount subscribed by the public be contributed from General Revenue, in order that the proposed Hospital for Women and Children be built to accommodate sixty beds, instead of thirty as at present proposed.

The Hon. the ATTORNEY GENERAL :—Sir, this is a motion to appropriate a certain sum of money from the public revenue. No unofficial member can move such a resolution.

H. E. the GOVERNOR :—Perhaps the hon. member will before next sitting of Council put his motion in order.

The Hon. ABDUL RAHIMAN :—Sir I was going to say that since I gave notice of the motion I find that the public can do the whole thing without asking any money from Government. Formerly I was doubtful whether all the money could be raised from the public, but now I see the amount is doubled. Therefore we don't want any money from Government but whatever aid Government is willing to give let them give it.

H. E. the GOVERNOR :—I understand the hon. member wishes to withdraw his motion.

The Hon. M. C. ABDUL RAHIMAN :—Yes sir.

The matter then dropped.

RELIEF WORKS.

The Hon. P. COOMARASWAMY moved :—

For a return of the amounts voted and expended for relief and relief works in each district of the island since January 1st, 1863.

I need not say much sir, in support of this motion. I think the information asked for will be interesting to the public and throw a light on the question as to whether expenditure has been decreased under this head in view of the several irrigation works carried on.

The Hon. A. DE A. SENEVIRATNE seconded and the motion was unanimously passed.

THE MUNICIPAL COUNCILS' ORDINANCE.

The Hon. the ATTORNEY-GENERAL.—Sir, I rise to move the first reading of a bill entitled "An Ordinance to amend the Municipal Councils' Ordinance 1887." Hon. members will find that the bill is divided into two chapters. The first chapter deals with the provisions of the Municipal Councils' Ordinance 7 of 1887 and carries out certain suggestions which were made by the Muncipal Council of Colombo with regard to the amendment of that ordinance. Of the amendments the most important refers to section 47. Under that section His Excellency the Governor was restricted in the appointment of a Chairman of the Colombo Municipal Council to a member of the Ceylon Civil Service, while with regard to the Kandy and Galle Municipal Councils His Excellency had the power to appoint anyone. It has been thought desirable and recommended by the Municipal Council of Colombo that His Excellency should have the same power with regard to the Municipal Council of Colombo as with regard to the Municipal Councils of Kandy and Galle. The third clause of this Ordinance provides that it will not be necessary in future to restrict the appointment of Chairman of the Municipal Council of Colombo to an officer in the service of the Ceylon Government. The second amendment occurs in clause 4 of the Ordinance by which it is intended to extend the powers of Muncipal Magistrates, so that they may try offences under the gaming and licensing Ordinances, and offences relating to false weights and measures. The next important amendment is with reference to clause 164, and this bill provides that none of the provisions in the Ordinance No. 7 of 1840 shall be taken as applying to sales, leases or other conveyances of land or other immovable property from or to the Municipal Council. The Municipal Council of Colombo pointed out to Government further that it was desirable that the Municipal Magistrate should be empowered to order the removal of any obstruction or encroachment on a road or street, and to enforce his order by a penalty. The members of Council will find that clauses 6 and 7 of the amending bill carry out this suggestion. Further, on the suggestion of the Municipal Council of Colombo provision has been made enabling the Chairman with the consent of the standing committee to provide houses of isolation for the reception of persons suffering from any dangerous and infectious disease. Provision has also been made for the charging and levying of fees for the use and occupation of such houses of isolation. The remaining portion of the Ordinance provides for the establishment of sanitary regulations with respect to the supervision of dairies and dairy farms supplying milk within the limits of the Municipality. His Excellency the Governor in his opening address to this Council pointed out that to the adulteration of milk and the milk of diseased cows has been frequently traced the origin of infectious and other diseases, and it is hoped that the provisions of this bill will add to the sanitary supervision of our larger Municipal towns. As members of Council are aware the provisions of this chapter have been adapted from the South Wales Dairies Supervision Act which have been approved by the Municipal Council of Colombo and they have suggested that it would be useless to introduce those provisions into this bill unless they applied also to the dairies and dairy farms situated beyond the limits of the Municipality which supplied milk to the people residing within the Municipality. A clause has, therefore, been added to this bill—clause 23—which provides as follows :—

The provisions of this chapter shall apply to dairymen, milk vendors, dairy farmers, cow-keepers, and purveyors of milk, whether resident within or without the limits of the Municipality, who may sell or supply milk to any person or persons resident within the Municipality, and to dairy premises, milk stores, and milk shops, whether situated within or without the limits of the Municipality, from which milk is sold or supplied to any person or persons resident within the limits of the Municipality, and to the occupiers of such premises, stores, or shops.

I move the first reading of the bill.

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

The Hon. the ATTORNEY-GENERAL :—I beg to give notice that I shall take the second reading of this this bill at the next sitting of Council.

The Hon. P. COOMARA SWAMY :—Would you mind taking it up this day fortnight? I believe the public are interested in the matter and ample time should be given for its consideration.

The Hon. the ATTORNEY-GENERAL afterwards said :—Certainly not, with the permission of Council I will take the second reading this day fortnight.

THE SUPPLEMENTARY CONTINGENT CHARGES 1892.

The Hon. the AUDITOR-GENERAL :—Sir, I beg to move the first reading of "An Ordinance for making final provision for the Supplementary charges for the year 1892." This bill provides for the expenditure in excess of the sums voted by this Council in the Supply Bill and Supplementary Supply Bill of that year. The total is a larger one than I like to see It is principally due to a circumstance over which the Government had no control, namely the great fall in exchange which took place in that year. Exchange went down to a very low point indeed in the latter half of 1892, far beyond what could have been foreseen when the estimates for that year were prepared. In consequence of that fall there has been any excess in the item of exchange of R48,238·15, in pensions payable to the Crown Agents in London of R12,722·69 and in miscellaneous services such as the payment to the Commissioner of stamps for new postal labels and dies. There has been a small over-expenditure on personal emoluments to the Crown-Agents due to the same cause, and in pensions paid locally, due to small pensions becoming chargeable to the revenue of the country. There have also been small sums of over-expenditure in the departments of Registrar of the Supreme Court, of the RegistrarGeneral of Lands, and of Public Works on the maintenance of the road from Negombo to Giriulla. Over and above the items in this bill there are four items on account of public debt which are not voted in the Supply Bill of the year, but which are provided for in a special ordinance. I bring these items before the Council because they are expenditure in excess of what was foreseen when the estimates were prepared for the year. These items amount to R74,316 and are:—interest and sinking fund on Breakwater loan R19,147·32, do on Waterworks loan R17,665·81, do on Matale railway R10,660·87, and do on Nanuoya railway R26,842·55. I move that the bill be read a first time.

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

THE SUPPLEMENTARY SUPPLY BILL : 1893.

H.E. the LIEUT.-GOVERNOR :—Sir, I beg to move the first reading of "An Ordinance for making provision for the Supplementry Contingent charges for the year 1893." The total in the schedule is a goodly amount R1,040,572. On a superficial consideration it may appear open to objection that such large sums should be spent in anticipation of the sanction of the Council and without its having been obtained in the usual annual Supply Bill; but, sir, when hon. members look into the details as they always do in sub-Committee, I am sure that they will be satisfied with the propriety of the course of Government in incurring the expenditure. I am sure that hon. members will be satisfied that the public service would really have suffered had not the Government accepted the responsibility of undertaking these works in anticipation of the formal sanction of the Council. The first item is that of pensions which are paid according to fixed rules, the Government having no option or discretion, and I am sure that the Council would never wish that a pensioner should wait for his pension until it was formally voted by the Council. The next item is under the head of Secretariat and the expenditure is in the Printing Department on account of the very large additional number of forms which have now to be issued for the Public Departments. Under the head of provincial administration there seems to be a large sum asked for; but if members will look into the details they will find that as much as R20,000 is due to expenses for collection of salt. There have been two collections, at least, and of course additional expense this year means additional revenue next year. In addition to that there are two sums which make R33,500 for the relief of distress, the greater part of which was in the Mannar, Mullattivu, and Vavuniya districts, the other amount being in the Wanni district, and I am happy to state that circumstances have so improved that it is hoped no further relief will be required. In the Survey Department there is apparently a large amount wanted, but on looking into the details you will see that the greater part of it, a sum of R21,000, is a mere revote for expenses attendant on the survey of Crown lands for sale, and is due to that service in 1892 not having been paid within that year. The opportunity of paying it out of the appropriations of 1892 was lost and therefore it has to be charged in 1893 and goes to swell this vote to that extent. In the Registration Department there is a sum of R13,832 asked for, and of that a considerable proportion is due to the improved registration which is now taking place of deaths and the causes of death in Colombo, the remainder being due to the increased numbers of births and deaths registered. Fees are paid at the rate of 25 cents for each registration. In that circumstance there is a guarantee that there is no waste of money and that there was a necessity for our incurring the expenditure in anticipation of the Councils' sanction. For the Medical Department a sum of R10,650 is wanted and R53,000 for hospitals and dispensaries due to the hopitals having been allowed to continue and extend their usefulnes beyond the precise amount which had been provided for in the estimates. Then follows a considerable amount in military expenditure—R125,000. That again is expenditure over which the Government have little control. It so happens that in the Supply Bill for 1894 the Military Contribution was provided at the then existing Imperial Treasury rate of 1s 2 d, but that rate was raised to 1s 4¾d, and that threw our calculations out and so a smaller amount is provided in the Supply Bill under the head of Military expenditure. The military contribution is voted under a fixed Ordinance and the increase which is voted in this bill is additional expenditure in connection with the Volunteer movement. The amount sought for miscellaneous services is R214,440 and on looking at the details hon. members will see that so large a sum as R30,000 is due to refunds which have to be made under Ordinances or agreements with the Municipal Councils. As the Government contribution towards the Chicago Exhibition there is a sum of R160,232. That is the Government security for the cost of the Exhibition, and I may mention that up to date the estimated cost of the Exhibition and completion of the Exhibition trust is R420,000. Of that sum one-half is paid by the Colony and the other half by the special duty on tea. I may mention that up to the close of the year we shall, I think, realise, including the contribution from the Chamber of Commerce, a sum of about R232,000 which will leave only about R80,000 to be paid in the ensuing year. There is a small item of R35 being the value of sapphires purchased for the Imperial Institute. The key used in connection with the opening ceremony was made of gems and metals from the different colonies, and this colony had the honour of contributing the sapphires for which this small sum is sought. The next two items are in connection

with Mr. Smithers' drawings of Anuradhapura. Photographs were taken locally to assist that work, and I believe it will be acknowledged that we have to pay for the printing of these. The work has been going on for a long time—I found it when I came to the colony in 1888—but I believe it is now approaching completion. On behalf of Mr. Smithers and in explanation of the delay, I should say that Mr. Smithers is doing this work as a labour of love without any remuneration from the public funds. A large amount is provided with the view of having larger and better store for timber, and the sum of R35,000 for the Postal and Telegraph Department is largely due to the increased contribution required on account of the conveyance of sea postage and the depreciation of the rupee. The vote for the Railway Department is represented by two items which the Government could not well deny to the General Manager, R20,000 being for permanent way materials and R85,000 for stores and materials to keep the railway in a safe condition. The last item to which I shall refer is that of public works extraordinary. In illustration, sir, of what I am going to point out, that most of this expenditure is incurred really with the view of preventing injury to the public service, I would draw attention to the fact that of this R203,000, R109,000 is for public roads in course of construction, for the Council have already voted moneys and the alternative to the Government undertaking the responsibility of spending these moneys in anticipation of the Council's sanction would be to defer these works for another year. I am satisfied that you would not wish that to be done and that you will cheerfully endorse the action of Government. The remaining R100,000 consists of various sums in regard to which as well as other points I shall be pleased to give any explanation I can to hon. members when the bill goes into Committee. I do not think they would wish me to take up the time of the Council by doing so now. The total estimated amount R1,040,572, and I should perhaps say one word of explanation in regard to this matter. I find that in the nine months up to 30th September last we had short spent of the appropriation a sum of one and three quarter millions. Therefore, sir, while I think that that amount short spent—I will not call it saved—may be reduced by heavier payments towards the close of the year, there will be ample to cover these supplementary estimates and that the transactions of the year may be closed with a surplus. With these observations I beg to move the first reading of the bill.

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

THE MUTWAL BATTERY.

The Hon. W. W. MITCHELL:—Sir, before we proceed further I would wish to draw attention to your Excellency's message submitted today. It will be seen from that message that your Excellency promptly communicated the decision of the Council with regard to the new scheme of harbour improvement which was approved of at the last sitting. I think the promtitude with which your Excellency acted on this occasion augurs well for the vigour with which the work is likely to be pushed forward. From the telegram of the Secretary of State it will be observed that the work has been sanctioned subject to the Legislative Council providing for the purchase of the site of Rock House and the removal from Mutwal of two guns to that site. I am sure it will be the wish of every member of this Council that no delay should take place in the execution of the work, and I would propose therefore that the standing orders be suspended and that the motion which I shall now read be brought forward:—

With reference to the Message of His Excellency the Governor dated 20th November on the subject of the construction of the North-East Breakwater and the communication from the Secretary of State to the effect that for purposes of defence it is desirable to acquire the site of "Rock House" and to transfer two guns thence from the Mutwal Battery, this Council approves of the proposal and will be willing to sanction the necessary expenditure for the purpose.

The Hon. L. H. KELLY:—I have much pleasure in seconding the motion. In view of the unanimous vote passed at last meeting of the Council relative to pushing forward the Breakwater works and rendering our harbour one of the finest and safest in the world, I think it would be absurd for this Council to raise any question about the guns being removed to the point which the Defence Committee say is necessary.

The Hon. A. DE A. SENEVIRATNE:—Before this motion is put can your Excellency give us any idea of the cost of the removal of the guns and the acquisition of the "Rock House" property.

H. E. the GOVERNOR:—I must appeal to my hon. and gallant friend, the General Officer Commanding the troops as to the cost of the removal of the guns as I am unable myself to give you any idea. As to the acquisition of "Rock House" I think it is possible that the Attorney-General or the Government Agent, W.P., may be able to give you information.

H. E. the MAJOR-GENERAL:—With reference to the removal of the two guns I must say that the first I heard of it was when I came to the Council today. I am not aware what guns are to be removed. There are guns of different sizes and the cost of moving the heavier guns will, of course, be greater than the cost of moving the smaller ones. In fact I cannot even give an opinion as to the necessity of moving the guns at all. I should like to make some inquiry and I can inform the Council later.

The Hon. A. DE A. SENEVIRATNE:—As to the cost of the land I did not expect any information because it will be acquired in the usual way and I think all of us will be able to get the information. It was the cost of moving the guns I wished to know about, and in view of the circumstance that H. E. the Major-General has not been consulted and does not know anything about the removal, would there be any inconvenience caused by this motion standing over for a few days?

H. E. THE GOVERNOR:—The only inconvenience would be that the preliminary measures in England for carrying out these works which are waiting my reply to be telegraphed to the Secretary of State would stand over. Personally I am desirous that the work should be set on foot at once and carried on with the greatest possible expedition and I would even grudge the delay of a week.

The Hon. P. COOMARASWAMY:—I support the motion, but if the Major-General finds that there is no necessity for moving the guns I suppose Government will not move them and will not require to spend the money.

The Hon. the TREASURER:—I beg to point out, sir, that already some military opinion appears to have been taken on the subject because the Secretary of State in his telegram says that unless this proposal is sanctioned the Colonial Defence Committee consider that the defences will be seriously affected. He also asks that a reply be telegraphed, I think therefore that while we shall be extremely glad to hear the opinion of H. E. the Major-General we should not now delay sending a reply. After all, the opinion which is now asked

is on a small question as regards details, and I think the main question is that unless we are prepared to agree to this proposal the Colonial Defence Committee cannot allow this scheme of Harbour Extension to go on because they say the defences would be seriously affected. The removal of two guns is not likely to cost such a large amount that on account of it we are going to postpone consideration of the question of enlarging the harbour (hear, hear). I think myself that when you come to weigh the two points it is absurd to allow the smaller to effect the larger question.

The Hon. P. COOMARA SWAMY:—I said I was going to vote for the motion.

The Hon. the TREASURER:—Oh, I thought the hon. member was supporting the hon. member for the Sinhalese community in his wish to delay that work.

The Hon. P. COOMARA SWAMY:—No, no. I only asked whether Government would move the guns if H. E. the Major-General found there was no necessity for so doing.

H. E. the GOVERNOR:—With reference to what has been said by the hon, member for the Sinhalese community I hardly think we can be in any better position to give a reply a week or a fortnight hence than we are now. H. E. the General Officer commanding the troops has not received any information in regard to this matter, and therefore he will have no basis upon which to institute his enquiry.

The Hon. L. H. KELLY:—If the hon. member who represents the Sinhalese thinks it over, he will see that even the cost of moving two big guns cannot be compared with the importance of the harbour improvements.

The Hon. A. DE A. SENEVIRATNE:—I do not object at all but I think it would be better if we did not appear to be blindly voting for any thing that was asked without knowing the cost. At the same time another matter that opens up is—would it not be better to remove all the guns to the same site and take the present military ground for other purposes? Further how is it that the necessity for a battery at "Rock House" site did not suggest itself to those who recommended the present site? I think the question was raised before and I should like to have some information about it, but not of course that I wish to oppose this motion in the slightest.

The Hon. W. W. MITCHELL:—I understand, sir, that both sites are to be utilized—the Mutwal Battery in protecting the inside of the harbour and the one at "Rock House" in protecting the outside of the north breakwaters.

The Hon. ABDUL RAHIMAN supported the motion, indicating that he had inspected the proposed site at "Rock House" and had been impressed with its advantage in the defence of the harbour. The motion was then passed.

H. E. the GOVERNOR said:—I shall have much pleasure in telegraphing in reply to the Secretary of State at once the assurance contained in the resolution of Council.

THE 1893 SUPPLEMENTARY CHARGES AGAIN.

H. E. the LIEUT.-GOVERNOR:—With reference to the Supplementary Supply Ordinance the first reading of which has just been taken it would be in order that I should give notice of the second reading but I would suggest to the Council the suspension of the standing orders for the purpose of having it referred to the Sub-Committee on the Supply Ordinance. I think sir, it would be convenient to get this bill referred to a Sub-Committee but at the same time have no desire to force the bill if hon. members would rather wish me to give notice and have the bill read a second time at next meeting. I move however the suspension of the standing orders.

The Hon. the AUDITOR-GENERAL seconded.

The standing orders having been suspended the bill was read a second time and thereafter the Council resolved itself into Committee when the bill was referred to the Sub-Committee which was appointed on the Supply Bill of 1894 on the motion of His Excellency the Lieut.-Governor seconded by the Hon. the Auditor-General.

Council then resumed.

RABIES.

It was intended that "an Ordinance relating to rabies" should be taken up in Committee but on the suggestion of the Hon. the Auditor-General it was allowed to stand over till next meeting.

AN ADJOURNMENT SUGGESTED.

The Hon. L. H. KELLY suggested that Council should adjourn now as it was getting late (5 35), and there were a number of items still to be disposed of including the report of the Committee on the Supply Bill which the Hon. the Colonial Secretary had said he was willing to submit to another meeting of the Committee if the other members were agreeable as he (Mr. Kelly) had not been able to be present on Tuesday.

H. E. the GOVERNOR said it was the usual practice to carry out the program and if the hon. member agreed to their proceeding with the remaining items he would find that it would not take very much longer.

The Hon. L. H. KELLY consented.

The business was then proceeded with.

PAWNBROKING.

The Hon. the ATTORNEY-GENERAL:—The next business for consideration was a bill intituled "An Ordinance relating to pawn-brokers." I received some suggestions from the Inspector-General of Police just before coming to Council, and with the permission of the members I will not take the bill into Committee until next sitting, so that I may be able to consult the unofficial members as to those suggestions.

Agreed.

BUTCHERS AND THE SLAUGHTER OF CATTLE.

The Hon. the GOVERNMENT AGENT, W. P.—I would ask the same concession sir, with reference to the "Ordinance to amend the law relating to butchers and the slaughter of cattle," as the report is not quite ready, I am sorry to say.

Agreed.

THE PREVENTION OF ACCIDENTS BY GUNPOWDER.

The Hon. the TREASURER:—I also propose to postpone going into Committee on "an Ordinance for the prevention of accidents by gunpowder and other explosives." The report of the Committee has only just been laid before the members, and as it is rather late and some of the questions involved are interesting I think we had better take it at next meeting.

Agreed.

THE SUPPLY BILL.

H. E. the LIEUT.-GOVERNOR:—Sir, the next item is in my name, viz., the Report of the Sub-Committee on the Supply Bill, I think the hon the planting representative would wish that the consideration of this bill be postponed, and further that a meeting of the Sub-Committee should be held in order to give him an opportunity of being present. If the other members of the Sub-Committee who have signed

the report agreed to a postponement I have no objection.

The Hon. W. W. MITCHELL :—As a member of the Sub-Committee I should be willing to sit again.

Agreed.

PREVENTING THE DESTRUCTION OF FOREIGN BIRDS, BEASTS AND FISHES.

The Hon. the GOVERNMENT AGENT C. P. thereafter moved the second reading of "An Ordinance to prevent the wanton destruction of birds, beasts and fishes not indigenous to this colony." He said—The second reading was postponed till today at my request as I thought it possible that some suggestions might be sent in by gentlemen who are interested in the question. I have received no suggestions and nothing remains for it but to take the bill through its stages in Council. I move the second reading.

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

On the motion of the Hon. the GOVERNMENT AGENT C. P. the Council afterwards went into Committee on the bill and on the motion of the The Hon. L. H. KELLY the marginal notes only were read.

In clause 3 the the close season was limited to a period not exceeding six months, and in clause 5 it was provided that the license should bear a stamp of R5.

On clause 9 being reached.

The Hon. P. COOMARASWAMY suggested that under sub-section 1 of that clause the penalty should simply be a fine not exceeding R100. He did not think that any person should be sent to prison for killing beasts or birds that did not belong to any particular person but were merely found in forests and jungles.

The Hon. L. H. KELLY :—I think the hon. member forgets that this Ordinance is one for the protection of foreign birds introduced into this country, and I know that a number of foreign birds which were introduced were simply exterminated at once. I speak of pheasant and therefore I think the law should be made sufficiently stringent to prevent its being broken easily. I think that if a person knows that he is liable to imprisonment if he kills any of these birds he is much more likely to avoid breaking the law.

The Hon. P. COOMARA SWAMY :—Sir, what I wish is that for killing birds or beasts no matter how valuable they are nobody should be sent to jail without the option of paying a fine. Make the fine as large as you like, and it follows that if a man does not pay the fine the law will send him to jail. There is this further point that an ordinary native cannot distinguish between foreign birds and birds of this country. He simply sees a bird on a tree or flying and he shoots it, and is he for that to be sent to jail without the option of paying a fine.

The Hon. the ATTORNEY-GENERAL :—The suggestion of my hon. friend the Tamil member is a reasonable one, and if he would only fix a reasonable fine we might agree with him.

The Hon. P. COOMARA SWAMY then suggested R100.

The Hon. L. H. KELLY indicated that in view of the hon, gentleman's explanation he was quite willing that an offender shou'd have the option of a fine.

The Hon. the GOVERNMENT AGENT C.P., also suggested the insertion of the words in default.

It was then agreed that the fine should not exceed R100 and that in default of payment the person who killed any of the birds, beasts or fishes mentioned in the schedule during the close season should be sentenced to simple or rigorous imprisonment for a period not exceeding one month.

A similar provision was made in sub-section 2 for killing without a license and in sub-section 4 for being found in possession during the close season of any of the birds, beasts or fishes specified in the schedule and unable to give a satisfactory account thereof.

The Hon. M. C. ABDUL RAHIMAN.—For an elephant, a noble animal, R100, and for a little bird also R100. I do not think that is fair. (Laughter).

In sub-section 3 the penalty was made a fine of R100 or simple or rigorous imprisonment for a period not exceeding six months, the Hon. the Government Agent, C.P. pointing out that this was not a question of punishing a man for shooting a small bird, but for committing a fraud. The section dealt with the transference of a license.

Thereafter 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 for their opinion. Agreed.

GENERAL CEMETERIES.

The Hon. the ACTING GOVERNMENT AGENT, W.P. : —Sir I beg to move the second reading of "an Ordinance to vest the control of General Cemeteries situated" within Municipal limits in the Municipal Council. I do not think it calls for any remarks.

The Hon. M. C. ABDUL RAHIMAN asked if the bill was to go to a Sub-Committee.

The Hon. the ACTING GOVERNMENT AGENT, W. P. replied in the affirmative.

The bill was then read a second time.

On the motion of the Hon. the Acting Government Agent, W. P., Council went into Committee, and then on his motion also the bill was referred to the following Sub-Committee.—The Hons. the Attorney-General, the Treasurer, A. de A. Seneviratne, Abdul Rahiman, and the mover. Council then resumed.

ADJOURNMENT.

On the motion of H. E. the Lieut.-Governor the Council adjourned at six o'clock till next Wednesday at 2-30 p.m.

WEDNESDAY NOVEMBER 29th, 1893.

Present :—His Excellency Sir Arthur Havelock, President. Sir E. Noel Walker, Lieut.-Governor : H. E. Major-General Clive Justice, Officer Commanding the Forces ; the Hons. J. A. Swettenham, Auditor-General ; F. R. Saunders, Treasurer ; C. P. Layard, Attorney-General ; E. Elliott, Acting Government Agent, W. P. ; P. A. Templer, Government Agent, C. P. ; R. Reid Principal Collector of Customs ; D. G. Mantell Acting Surveyor-General ; W. W. Mitchell, Mercantile representative ; Dr. Anthoniez, Burgher representative ; A. de A. Seneviratne, Lowcountry Sinhalese representative ; L. H. Kelly, Planting representative ; M. C. Abdul Rahiman, Muhammadan representative ; P. Coomara Swamy, Tamil representative.

Absentees :—The Hons. J. J. Grinlinton, General European representative ; T. B. Panabokke, Kandyan representative.

GRANT-IN-AID SCHOOLS.

The Hon. W. W. MITCHELL,—Sir, I have a petition to present from the managers of 318 schools in the northern part of the island. In doing so I certify that it is throughout perfectly respectful and deserving of presentation. The memorialists represent Societies which from the introduction of the grant-in-aid system have taken

a prominent part in the educational works of the Colony, and they state that for some years past the difficulties of their work have been increasing. It is alleged that the attitude of Government towards the grant-in-aid schools has undergone a change since the introduction of this system, and the new Code has been a subject of adverse criticism on their part. The examinations for grant-in-aid as at present conducted are said to be of an unduly severe character, and the memorialists state that the needs of outlying and sparsely populated districts have not met with that consideration which they deserve. I move that the petition be read.

The petition was duly received and read by the Clerk as follows:—

THE MEMORIAL OF THE UNDERSIGNED MANAGEES OF GRANT-IN-AID SCHOOLS.

Respectfully sheweth,—That your Memorialists represent Societies which from the introduction of the Grant-in-Aid System have taken a prominent part in the Educational work of the Colony. In the first place their co-operation and assistance was sought by the Government, and freely and readily accorded by them. In pursuance of the work thus undertaken, large sums have been expended annually for the purchase of sites and erection of school buildings, and also for the support of the schools under their management. In carrying on their Educational work these Societies have not only opened schools in large towns and villages, where the work is easy, but they have penetrated into the remoter parts of the island, and many outlying villages and sparsely populated districts are enjoying the privilege of elementary education through their efforts. Much of their works is of an extremely trying and difficult character, and can only be carried on under wise and suitable regulations. Sympathetic and generous treatment on the part of the Department of Public Instruction, and a fair Grant-in-Aid for the support of their schools.

For some years past the difficulties of this work have been increasing, and after much patience, you memorialists feel that the time has come when they may fairly ask for, consideration of their course, and relief from their most pressing burdens. They respectfully lay before you the following considerations:—

(1) The attitude of the Government towards Grant-in-aid schools seems to have undergone a change since the introduction of the Grant-in-aid Scheme. Then the help of these societies was sought and welcomed. Latterly managers have been compelled to feel that their work meets with bare tolerance and sometimes hardly that. This does not of course refer to public utterances, but to the attitude of the Department as evidenced by its administrative acts.

(2) The New Code has been from the first the subject of constant adverse criticism. The critics have left hardly an important section of the Code untouched. Its provisions for English Education are said to be bad, and it has undoubtedly brought great hardships to Provincial English schools, and through them to dwellers in Provincial towns. Its Provisions for Industrial Education are one-sided and incomplete. Its provisions for Training Schools for Teachers are so worded as to cause annual loss and hardships to these Institutions. Vernacular Education is surrounded with regulations which impose great and inequitable burdens on managers for slight and frivolous causes. The Code is revised, fresh provisions are introduced, conditions are added or altered annually, yet managers who are deeply interested in their matters are not consulted, and their representation appear to receive little attention.

(3) The Examinations for Grant-in-Aid, as at present conducted are of undue severity, and uncertain character. They are shrouded in mystery so great that this fail to be any guide or help to teachers or managers. The questions actually set are not generally known. but the attention of managers is frequently called to cases in which catchy and unfair questions are asked. If the mass of the examinations may be judged from these, there is ground for very serious complaint. Schools which are now better taught than they were some years ago, show a falling off in grant, and this not only in conspicuous and isolated cases, but generally over large groups. When complaint is made of severe examinations, managers are told that the standard of examination has not been raised.

(4. The needs of outlying and sparsely populated districts have not met with such consideration as they deserve. In the towns there is ground for complaint that schools started in evident opposition to Grant-in-aid schools have not been as much discouraged by the Officers of the Department as they ought to have been.

Under the pressure of the grave difficulties briefly outlined in the above considerations, your memorialists now appeal to you praying that you will be pleased to appoint an Independent Commission to enquire into the whole question of Public Institution and Grants-in-aid, and afford such aid and redress as shall seem needful and just.

Pending the final decision of this question your memorialists ask that immediate relief may be afforded to them in the following particulars:—

(1) That the infliction of B grants under clause 21 be abolished.

(2) That the examinations be a fair test of knowledge all mere catch questions being discontinued.

(3) That in small village and outlying districts, C registration be more freely granted.

(4) That a Committee on Education be appointed to assist the Director in the administration of the Code and to which mangers, who feel aggrieved, may appeal.

And your memorialists as in duty bound shall ever pray —

A. E. Restarick, Manager of 34 schools with 2,150 scholars; Sheldon Knapp, Manager of 31 schools with 1,700 scholars; Edwin M. Weaver, Manager of 13 schools with 700 scholars; G. F. Trimmer, Manager of 49 schools with 4,000 scholars; J. I Pickford, Manager of 70 schools with 3,549 scholars, S. W. Howland, Manager of 38 schools with 2,750 scholars; and Thos. Snell Smith, Manager of 83 schools with 5,000 scholars.

CODIFICATION OF RULES AND BYELAWS.

The Hon. A. De A. Seneviratna moved:—

That in the opinion of this Council it is desirable that all regulations, rules, and bylaws made under any Ordinance, and having the force of law, should be codified each year and be laid on the table of this Council before November 30.

He said:—A very large number of Ordinances provide either for the Governor in Executive Council or other bodies making rules, regulations, or bylaws, and very often it is impossible to find what rules, regulations, or by-laws are in force without wading through several volumes of the Government *Gazette*. It is with the object of having them in an easy and more accessible form for reference that I bring forward this motion. The Revised Code for Aided Schools, which contains all the rules for the public examination of these schools, appears every year, and in the same way I think we might have in pamphlet form all the bylaws, regulations and rules that are in force during the year. If any amendments are made they can be notified just in the same way as amendments in the Code issued by the Public Instruction Department are notified. There are some very important Ordinances indeed under which bylaws are made. I am sure my hon. and learned friend, the Attorney-General, will bear me out when I say that the courts and practitioners find it very inconvenient to get at some of the regulations that are hidden away in these volumes of the Govern-

ment *Gazette*. Of the Ordinances under which regulations are made, I may mention a very recent one to begin with, namely, the Ordinance relating to Markets in the Northern Province, No. 19 of 1891; the Local Boards Ordinance No. 7 of 1886. No 24 of 1889. Section 6 of this last mentioned Ordinance provides for village communities' rules being made by the inhabitants and sanctioned by the Council, and section 50 provides for the Governor in Executive Council making other rules. The Contagious Diseases Ordinance No. 8 of 1886 provides for the Governor in Executive Council making rules, and under the Forest Ordinance No. 10 of 1885 certain rules are made by the Government Agent and approved by the Governor, and other rules are made by the Governor in Executive Council. Then there are the Irrigation and Paddy Cultivation Ordinance No. 23 of 1889, the Customs, Police, Museum, Carriage, Cattle Disease, Registration, Prisons, Medical, Municipal, Railways, Postal, and Colombo Water Supply Ordinances and many others providing for rules, regulations or bylaws being made, and I think if Government will accept this motion it will be a good thing for everybody all round. I hesitated, sir, as to the form in which the resolution should be put. I thought, perhaps, it should come as a request from the Council to the Government. I remember on a former occasion when on a very small matter I moved this Council I was advised by His Excellency the then Governor to adopt a different form—a form that ran thus, namely "that this Council requests the Government to take steps" and so on, and so I felt certain that if this Council expressed the wish to have the thing done without actually passing a resolution, Government would give effect to the wish. That is how I have framed the resolution as it stands.

The Hon. Dr. ANTHONISZ seconded.

H.E. the LIEUT.-GOVERNOR:—I may say sir, that I sympathise very much with the hon. member and have very often found myself in the difficulty he has described. In looking for any particular regulation, rule, or bylaw I have found myself quoting a regulation which I was told was not in force and other officers have found themselves in the same position. But I would warn the hon. member that it is not such an easy matter to comply with the request as to make it in the few lines he has done, and I regard it as a work only second in volume and difficulty to the revision of the statutes upon which we are now engaged. It is not an easy matter to say whether a regulation is amended or repealed by a subsequent regulation, but sir, as it is I shall endeavour to have the work undertaken. I imagine, sir, from the terms in which the hon. member has put his resolution that he does not mean to have a full collection of the regulations, but that we should take the trouble of finding and sifting out those that remain still in operation. In that respect the task is not an easy one but it shall be undertaken. I presume, sir, it will hardly be necessary to lay it on the table of the Council every year, because it will be a work that will take the greater part of the year, something like six months I should say, to prepare; and I suppose that a statement each year showing the effect of the regulations passed during the year will be sufficient. I may say, sir, that the indices which have been recently kept will afford an easy means of finding out any regulations that have been passed, but of course the searcher for the information will have to look up the regulations and see how matters stand. I shall however, endeavour to save the hon. gentlemen and other members of the community the trouble of even doing that.

VILLAGE COMMUNITIES.

H. E. the LIEUT.-GOVERNOR moved the first reading of "An Ordinance to amend 'The Village Communities Ordinance, 1889.'"

He said:—This Ordinance is proposed with the view of enabling the Government to alter the limits of districts which he had once made. Under the Village Communities Ordinance referred to in the title, the power is given to the Governor to make districts, but once the districts are made they must remain so for all time. I think it is expedient and desirable to give the Government, who are as liable as other individuals to make mistakes in fixing districts, the opportunity of altering these districts as circumstances may occur to change the position of affairs and render the alteration of the districts desirable. The immediate occasion for the introduction of this measure occurred in two districts—I think two hon. members are aware of the circumstances —in which it was found to be a hardship that a certain portion should be subject to the Gansabhawa rules as well as to the liabilities of the Local Board. If the Governor and Executive Council have the power which it is proposed to give them under this amending Ordinance it will be open to them to relieve these parties and remove so much of the Local Board district as is within the Gansabhawa district. I beg to move the first reading of the bill.

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

THE PROTECTION OF FOREIGN BIRDS.

The Hon. the GOVERNMENT AGENT, C. P.—I would wish, sir, the motion which stands in my name for the third reading of "An Ordinance to prevent the wanton destruction of birds, beasts and fishes not indigenous to this colony" to be deferred to a future meeting as, owing to the absence on other duty of the Solicitor-General, the law officers of the Crown have been unable to furnish their report.

RABIES.

The Hon. the AUDITOR-GENERAL moved that Council do resume consideration of "An Ordinance relating to rabies" and brought up the following report of the Sub-Committee:—

FURTHER AMENDMENTS TO BE PROPOSED IN COMMITTEE OF COUNCIL.

For clauses 9 and 10 insert the following:—

9. It shall be lawful for the local authori y specified in (*a*), (*b*), and (*c*) of section 3 of this Ordinance to give public warning by notification in the *Government Gazette* and by beat of tom-tom, and by such other means as he may deem expedient, of the existence of rabies within his jurisdiction, and it shall be lawful for any such local authority (subject to the approval of His Excellency the Governor, with the advice of the Executive Council) from time to time or at any time to make and when made revoke, add to, alter, and amend regulations for the following purposes, or any of them:—

(*e*) For providing for the muzzling of dogs while in or on any public road or place, with such exemptions (if any) as the local auth[illegible] may think fit.

(*b*) For providing for the keeping of dogs under control by the owner or person in charge thereof in such manner as may be prescribed by such regulations.

(*c*) For providing for the seizure, detention, and disposal, including destruction, of dogs not being kept under control in the manner prescribed by such regulations.

(*d*) For providing for the recovery by the local authority of the expenses incurred in respect of the detention of any dog seized and detained and disposed of under any such regulations from the owners thereof.

(*e*) For prohibiting or regulating the holding of shows or exhibitions of dogs, and the exposing of dogs for exhibition or sale thereat.

10 Any regulations when made, added to, altered, or amended by the local authority and approved of by the Governor, with the advice of the Executive Council, under this Ordinance, shall be published in the *Government Gazette*, and shall when so published, until the same is revoked in manner aforesaid, have the force of law.

He said:—It will be remembered, sir, that when the bill was read in Committee consideration of it was postponed till today to enable the Attorney-General to see whether the amendments that were then suggested were worded in the best possible manner. The result of that consideration, sir, is that today I propose to move two further amendments in the bill. One is to omit the original clause 9 and insert a new one. This clause is published in the sub-Committee's report.) The other amendment is to delete the original clause 10 and insert a new one. (This clause is also given in the Sub-Committee's report).

These amendments having been agreed to, 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 for their report which was agreed to.

PAWNBROKERS.

On the motion of the Hon. the ATTORNEY-GENERAL, Council went into Committee on "An Ordinance relating to pawnbrokers," and brought up the following report of the Sub-Committee :—

The Sub-Committee appointed by the Legislative Council to report upon a Bill entitled "An Ordinance relating to Pawnbrokers" have the honour to report as follows :—

The Sub-Committee having carefully considered the provisions of the Bill, are of opinion that the Bill should be made to apply to a loan by a pawnbroker of any sum not exceeding R500, and they recommend that the 3rd clause of the Bill be amended accordingly. For the purpose of carrying out this recommendation they further suggest that the provisions with regard to the amount of profit to be taken on any loan, and the disposal of pledges pawned for above ten shillings, be adapted from the Imperial Statute, 35 and 36 Victoria, caput 93.

Since the Bill was drafted and published, a memorandum has been received from an experienced District Judge suggesting certain amendments. The Sub-Committee have adopted his recommendations.

The Sub-Committee have noted in the margin of the Draft Bill (copy enclosed all the amendments which they recommend should be made.

The various clauses were then gone over seriatim and the amendments made that were suggested in the Sub-Committee's report on the motion of the Hon. the ATTORNEY-GENERAL.

The Hon. the ATTORNEY-GENERAL explained that since the draft had been prepared it had been suggested by the hon. the Sinhalese member that some difficulty might arise as to the interpretation to be placed on the expression "carrying on business." He [illegible] drafted the following clause taken from the English statute and moved that it be inserted :—

The following persons shall be deemed to be persons carrying on the business of taking goods in pawn (that is to say) every person who keeps a shop for the purchase or sale of goods or for taking in goods by way of security for money advanced thereon and who purchases or receives or takes in goods and pays or advances or lends thereon any sum of money not exceeding five-hundred rupees with or under an agreement or understanding expressed or implied, or to be from the nature and character of the dealing reasonably inferred, that those goods may be afterwards redeemed or re-purchased on any terms; and every such transaction, article, payment, advance, and loan shall be deemed a pawning, pledge, and loan respectively within this Ordinance.

Agreed.

The expressions "pawnbroker" and unfinished goods or materials" were defined, and provision made that the Ordinance should only apply where the sum lent by a pawnbroker at any one time did not exceed R500. Provision was also made for every pawnbroker exhibiting his name on the outer door of his shop with the word "Pawnbroker" affixed in English, Sinhalese and Tamil, and for the business being conducted between 8 a.m. and 8 p.m. The penalty for failing to comply with the requisition of this section is a fine not exceeding R100, A pawnbroker will be responsible for the acts or omissions of his servants or agents. The profit and charges allowed to pawnbrokers were defined, and provision made for the sale by auction of pledges above R5.

On clause 12, which provided for the arrest of any person presenting a stolen pawn ticket, being reached

The Hon. the ATTORNEY-GENERAL moved that it should be left as it originally stood except that the word "forthwith" should be inserted. As the clause was amended by the Sub-Committee a pawnticket (which it was suspected had been stolen or obtained illegally) was left in the hands of the police officer or village headman and he had no power to do anything with it. The Inspector-General of Police had pointed out that it would be desirable to retain the clause as it originally stood and thus give the pawnbroker the power "to detain the person and the ticket and deliver them as soon as may be into the custody of an officer of police or village headmen who shall 'forthwith' convey the person and the ticket before a court of conpetent jurisdiction." By the insertion of the word "forthwith" there would be no hardship and the hon. the Sinhalese member to which he had spoken out of Council agreed to the alteration.

The Hon. P. COOMARASWAMY said this was a matter which was carefully considered in Sub-Committee and it was decided that the power to seize a person should not be given to an ordinary pawnbroker because there were respectable people, women especially, who on being told by the pawnbroker, that he suspected them of having stolen the ticket and that they would have to go to the Court, would become frightened and would rather lose the pawn than be subjected to any litigation in the matter.

The Hon. the ATTORNEY-GENERAL pointed out that in Clause 16 the Sub-Committee had adopted the same provision as he now proposed.

The Hon. P. COOMARA SWAMY replied that Clause 16 referred to proceedings against persons offering articles in pawn failing to give a good account of themselves, whereas Clause 10 applied after the pawn ticket had been issued and the hold went to redeem the pledge. He could understand a man making every enquiry he wanted to make before he took the article in pawn but he did not see why a pawnbroker should have the power to detain a person after the ticket had been issued and had become a sort of negotiable instrument.

The Hon. the ATTORNEY-GENERAL said the difficulty was as to what was to be done with

the ticket If the person and ticket were taken to the Court "forthwith" the ticket could be handed back to him at once if it appeared to the Court he was the person entitled to hold it.

The Hon. P. Coomara Swamy said that even if they took the person before the Court the difficulty would not be overcome, unless the rightful owner was there also, because the person who tendered the ticket would swear that he was the right person. They might provide for publication in the newspapers or otherwise that a suspected person had been arrested and that there was a certain ticket bearing a certain number before the Court. Then all the claimants would have to come forward and make their claims. He did not see otherwise how the Court was to decide who the right person was.

The Hon. the Treasurer:—The question has to be looked at from two different points of view. In the first place it is considered very desirable that if, after an article has been pawned, the police should find out that a stolen article has been pledged, they should leave word with the pawnbroker that when the person comes to redeem the pledge both he and the ticket should be detained until the matter can be enquired into. That I think was the object of this particular clause. It is urged on the other hand that if every person who goes to redeem an article which has been pawned is to be subject to detention by the pawnbroker on frivolous grounds, that will deter a great many persons not so much from pledging the things as from claiming them, and that as respectable people very often would not like that it should be known that they had pledged articles they would submit to almost any exaction rather than undergo a public enquiry. It seems to me that they are distinctly liable to that if we give the pawnbroker the power to detain the ticket only and that therefore we do not gain very much on behalf of the person whom we are trying to protect. On the other hand I think without this provision a pawnbroker who had reason to suppose that the article in his possession was stolen might at once detain the person until he could give information to the nearest police officer, who would then be required to act. Looking at the subject from both points of view I think the Council have to decide whether it is better to give a distinct power to the pawnbroker to arrest and detain the person whose goods are supposed to have been stolen or to endeavour to protect from annoyance an innocent person who may have pledged an article and wants to get it back again. I agreed to the amendment in Sub-Committee, but after hearing what the Hon. the Attorney-General has said on the subject I think I shall go back upon that decision and agree to the clause standing as it did before we went into Committee.

The original clause was allowed to stand.

Clauses were then passed providing for the liability of pawnbrokers in cases of fire, for compensation for depreciation of pledges, and for the protection of owners and pawners not having pawn-tickets.

On clause 15 which dealt with the unlawful pawning of goods not the property of the pawner being reached.

The Hon. the Attorney-General said: the Inspector-General of Police had pointed out that the offence there was really one of misappropriation which is punishable under the Penal Code with imprisonment which may extend to two years or by a fine or by both and he therefore moved the insertion of a similar clause provision here.

Agreed.

The Hon. the Attorney-General next said the Inspector-General of Police had pointed out that the redeeming of articles by a person who was not entitled to redeem would be punishable under the Code as theft and therefore he moved to omit the words "redeems or attempts to redeem" in the section providing that if any person redeems or attempts to redeem a pledge not being entitled to redeem he should be guilty of an offence and to insert the "words attempts or endeavours to redeem."

The Hon. A. De A. Seneviratne pointed out with regard to the clause as to offences by pawnbrokers that the Attorney-General might consider whether the punishment ought not to be increased. In the clause as it originally stood it was stated that the pawnbroker would be liable to a fine of double the value of the article pawned, and now the Committee proposed that this fine should be deleted and one of R100 substituted. The pawnbroker might have a very valuable article in his possession and might appropriate it and the only punishment would be a fine of R100, whereas in the 15th clause the punishment in the case of a person pawning a thing that does not belong to him might be two years' imprisonment. He would suggest whether imprisonment should not form part of the punishment here.

The Hon. the Attorney-General said he was very averse to increasing the penality to one of imprisonment. He only did it in the particular case referred to above, because there was an actual misappropriation of a person's property, but here the case is that if the pawnbroker sold or otherwise disposed of any pledge pawned with him except at the time and in the manner authorized by the Ordinance he committed merely a breach of a statutory provision with regard to the time and place at which the goods were to be sold. That was quite a different thing from the case of a person mis-appropriating another persons property which did not belong to him. He was, however, quite in the hands of the Council as to the amount of penalty that should be fixed.

The Hon. A De A. Seneviratne moved the insertion of the words "and shall be liable on conviction to a fine not exceeding R100 or to imprisonment either rigorous or simple for a term not exceeding six months."

The Hon. the Attorney-General:—You give the alternative of a fine.

The Hon. A. De A. Seneviratne:—Yes.

The Hon. the Attorney-General:—I have no objection.

The Hon. A. de A. Seneviratne:—Motion was accordingly adopted.

Clauses were then passed dealing with licenses providing that pawnbrokers must not carry on the business of Auctioneers, that their books should be subject to examination, that thier premises might be searched by an Inspector of police, and that the accused might give evidence.

All the clauses having been gone over Council resumed when 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 their report.

BUTCHERS AND THE SLAUGHTER OF CATTLE.

The Hon. the Acting Government Agent, W. P., brought up the Report of the Sub-Committee on this bill which was read by the Clerk of Council as follows:—

The Sub-Committee appointed by the Legislative Council to report upon a Bill entitled "An Ordinance

to amend the Law relating to Butchers and the Slaughter of Cattle" have the honour to report as follows. In view of the necessity for supervising the conduct of the numerous butchers who supply meat in rural districts, the Sub-Committee recommend that the obligation on butchers to take out licenses be not confined to the towns, and that the restrictive words be omitted from the 6th clause; and they have made the necessary amendment therein. The Sub-Committee trust that in fixing the security required of rural butchers due regard will be paid to the amount of business done by each applicant.

The Sub-Committee recommend the insertion of the 21st clause of the existing Ordinance (No. 14 of 1859), making the possession of stolen cattle, without a headman's certificate, punishable. The Sub-Committee have received a representation from the Government Agent of Sabaragamuwa suggesting that the Provincial Boards of Health should be the proper authority under the Ordinance, in small towns where the Ordinance No. 18 of 1892 is in force, to prescribe the place for slaughter. The Sub Committee consider that as the Government Agent (who is *ex-officio* Chairman of the Provincial Board of Health) has been given the power outside Municipalities and Local Board limits, the suggestion need not be acceded to.

The Sub-Committee have noted in the margin of the Draft Bill (copy enclosed) all the amendments which they recommend should be made.

C. P. Layard, E. Elliott, P. A Templer, A. Seneveratne, L. H. Kelly, P. Coomaraswamy.

Legislative Council Chamber, Colombo, Nov. 21, 1893.

The various amendments recommended in the Report were then adopted, the clauses being gone over *seriatim*. The enactments repealed by this Ordinance were specified, the interpretation clauses dealt with, licenses provided for, and provisions made in connection with the slaughter of cattle and the penalty on butchers. In chapter 2 provision was made for special licenses, the place and conditions of slaughter, notice of slaughter and the contents of such notice. The first section of clause 17 was :—

No person shall slaughter cattle without giving forty-eight hours previous notice of his intention so to do to the person duly authorised by the proper authority to receive such notice.

The Hon. A. De A. Seneviratne said there might be some difficulty in finding out who was the person authorised by the proper authority, and he suggested that the option should be given to give notice to the proper authority or to the person duly authorized by the proper authority.

The Hon. the Acting Government Agent, W. P., said he had no objection if the Attorney-General had none.

The Hon. the Attorney-General said he had none and the amendment was accordingly made.

The other clauses enacted that the authorized person should enquire as to the truth of the notice, that a penalty should be exacted for failing to give notice, that the possession of stolen cattle should be punishable, that a person unable to give a satisfactory account of beef in his possession should be liable to a penalty, that public slaughterhouses should be proclaimed, that the proper authority may make regulations, that diseased animals should be seized and destroyed, that a penalty should be imposed for a breach of any regulations, and that Municipal Councils and Local Boards should be entitled to all fees. The Sub-Committee recommended that the ordinance should come into operation on the 1st of January, but

The Hon. the Attorney-General pointed out that that day might be inconvenient as it was a holiday, and suggested that the 15th should be inserted instead.

The Hon. the Acting Government Agent W.P. agreed and that date was inserted accordingly.

Council then resumed when the Hon. the Acting Government Agent W. P. reported the bill as amended and moved that it be referred to the law officers of the Crown for their report, which was agreed to.

THE PREVENTION OF ACCIDENTS BY EXPLOSIVES.

The Hon. the Treasurer brought up the Report of the Sub-Committee on An Ordinance for the prevention of accidents by gunpowder and other explosives," as follows :—

The Sub-Committee appointed by the Legislative Council to consider and report on the draft of "An Ordinance for the prevention of accidents by Gunpowder and other Explosives" have the honour to report that they recommend that the amendments marginally noted in the copy of the Draft Ordnance submitted herewith should be adopted.

It will be noted that the Sub-Committee advise that the Ordinance should not include powers to make special rules, and prescribe regulations for Firework Factories. There are no such factories at present in Ceylon, and the powers giving under the Ordinance to make rules and regulations for stores and licensed premises where fireworks are kept will amply meet all requirements of the public safety.

As regards the amendments proposed to clause 17, the Sub-Committee were divided. A proposal to delete the whole clause was not carried, and amendments as now drafted were approved by the majority of the Committee as affording sufficient protection to the public without pressing unduly on individual persons removing explosives from place to place by land or water.

The clauses were then gone over in detail and the amendments suggested by Sub-Committee given effect to. The work was facilitated by the adoption of a suggestion by the Hon. Abdul Rahiman that the marginal notes and not the complete clauses should be read.

On the suggestionof the Hon. A. De A. Seneviratne, which was adopted by the Hon. the Treasurer the words" "in my premises registered under this Ordinance, were inserted in the clause providing that explosives exceeding 10 lb. weight should be kept only in a public magazine or registered place.

The substances to which the Ordinance should apply were specified, and it was enacted that the store licenses should be obtained from the Government Agent, and that regulations prescribing the situation and construction of stores should be made by the Governor. General rules were laid down for stores, special rules for workmen in stores, and general rules for registered premises. Provision was also made for the regiseration of premises, for the restriction of the sale of explosives in highways, for the imposition of a penalty for the sale of explosives to children, for the erection of public magazines and the exaction of fees.

Clause 17 was as follows :—

Any person desiring to move explosives exceeding "two hundred pounds' weight" from any place to another place in this Colony, whether by land or by water, shall apply to the Government Agent of the province whence it is intended to remove such explosives stating the places from and to which the explosives are to be removed, the quantity and description of packages, and the time of intended removal and the Government Agent, if the application is made on any lawful day between the hours of 10 a.m. and 5 p.m. shall grant his permit in the form given in schedule A hereto for such removal. And any person removing any explosives without such permit or contrary to the terms of such permit shall on conviction, be liable to a penalty not exceeding

two hundred rupees, and the explosives shall be seized and forfeited; and it shall be lawful for any police magistrate or inspector of police to direct that any explosives found in course of removal contrary to the provisions of this section shall be taken at the risk and expense of the owner to a public magazine, there to be kept at the risk and expense of the owner pending adjudication.

The Hon. W. W. Mitchell:—Sir, I would propose the omission of this clause entirely. I fail to see what good end it will serve to have the Government Agent informed of every removal of gunpowder from one part of the country to another. It may be liable to be used as a means of extortion. I move the deletion of the clause.

The Hon. the Treasurer:—This question was discussed in Sub-Committee, sir, and it was thought that the objection of the hon. member might be met by only requiring persons to apply for a permit who were desirous of removing explosives exceeding 200 lb. in weight. We also made it only necessary to apply to one Government Agent, that is to the Government Agent of the Province from which the explosives were to be removed and not from every Government Agent through whose Province the explosives might be carried. The object of the provision was that when any large quantity of explosives was removed the Government through the Government Agent should have some notice of the fact, and that if the quantity, exceeded 200 lb weight any special safeguards that might be necessary should be taken. It was thought that by making the quantity as large as 200 lb. that all reasonable cause for complaint on the part of persons wishing to remove small quantities of gunpowder for ordinary purposes would be removed.

The Hon. L. H. Kelly:—Sir, I would support the proposal of the hon. member for the Mercantile community with regard to the omission of this clause, considering the large works that have been constructed in this Colony up to the present date, and that there has never been any difficulty experienced with regard to the removal of such a quantity as 200 lb. weight of gunpowder, I do not see the necessity for bringing in any such preventitive clause as this. All these requirements about permits are objectionable unless they are absolutely necessary, and they have not been necessary in the past. To a contractor making a road, for instance 200 lb. of gunpowder, is a very small quantity and to hamper him by insisting that he should apply to the Government Agent for a permit when he happens to run out of gunpowder would be a mistake. If it had been shown that in the past there had ever been a mishap through the transport of a large quantity of gunpowder I should be glad to support the clause, but that has not been shown, and I think it would be much better to avoid anything that would hamper contractors in the formation of new works.

The Hon. M. C. Abdul Rahiman:—Sir, in the bill as it originally stood it was provided the permits should be obtained from both Government Agents, but that was deleted in Sub-Committee. Then it was proposed that the limit of gunpowder to be removed without a permit should be 100 lb. weight, but in Sub-Committee we agreed to make it 200 lb. In the clause there is no mention of the railway but only removal by land or water. Of course any person can take any quantity by railway. There is no restriction I believe.

The Hon. L. H. Kelly was understood to say that there was a restriction as to the days.

The Hon. M. C. Abdul Rahiman continuing said. On the railway any amount can be carried—a full waggon load,—and the restriction here imposed is in removing the explosive from the railway station to somewhere else. Every now and then we hear of great blowings up, but I hope our country will be safe from these things. The country is being opened up, and a great many new things are coming into use, and so it is the business of the Government to protect lives of the people from accidents by gunpowder which might occur for instance at plumbago pits where generally stores are not made the powder being kept in a hut. Therefore, I think the hon. the Treasurer has been very reasonable in agreeing to 200 lb. weight being the limit.

The Hon. the Auditor-General:—I think, sir, it would be a pity to abandon this clause. Hon. members may recollect the state of the law as it formerly existed. In Ordinance 14 of 1862, clause 7 provided:—

> From and after the enactment of this Ordinance it shall not be lawful for any person to convey at any one time more than 500 pounds of gunpowder (except in vessels with gunpowder imported from, or to be exported to, any place beyond the sea, or going coastwise, or when transported under military escort, or by license from the Governor); and all gunpowder conveyed on land or water (except in such vessels for importation or exportation of gunpowder, or going coastwise) shall be in barrels close joined and hooped without any iron about them, and properly secured.

The limit there was 500 lb. and the result was disastrous. I daresay it will be in the memory of some members of this Council that in 1872 or 1873 a fire occurred in the Main Street, of Kandy near the hotel. While the fire was going on a boutique-keeper confessed that he had in his boutique a most enormous quantity of gunpowder. The military were called out and the soldiers behaved exceedingly bravely. They got hold of the barrels of gunpowder, some of which had actually caught fire and rolled them into the lake. Fortunately there was no serious explosion and the town of Kandy was saved. An investigation followed and it appeared that under the clause in this Ordinance by which 500 lb. could be transported at one time without license the owner of that boutique had been in the habit of getting large quantities unknown to the authorities in Kandy and storing the powder in his boutique until he had an immense stock, quite contrary to the provisions of the law. Then a fresh Ordinance, No. 14 of 1873 was passed, clause 8 enacting:—

> It shall not be lawful for any person to convey, without a license for that purpose to be obtained from the Inspector-General or Superintendent of Police, at any one time, more than fifty pounds of gunpowder, except in vessels with gunpowder imported from, or to be exported to, any place beyond the sea, or going coastwise, or when transported under military escort or by license from the Governor; and all gunpowder conveyed on land or water, except in such vessels for importation or exportation of gunpowder, or going coastwise, shall be in barrels closely joined and hooped, without any iron about them, and properly secured.

That reduced the limit from 500 lb. to 50 lb. weight. It is now sought by this Ordinance to raise the quantity for 50 lb. to 200 lb. and I think that 200 lb. is as high as the Government can be expected to go. I am sure that if a disastrous explosion were to take place through boutique-keepers in any of the crowded caddies upcountry being able stealthily to obtain large quantities of gunpowder without the knowledge of the local authority, the Government would be most severely taken to task for such a disaster. Under the circumstances I hope the Government will keep to the 200 lb.

The Hon. L. H. KELLY :—I do not quite understand the Hon. the Auditor-General. Clause 17 of this Ordinance deals with the removal of gunpowder, but the Auditor-General has referred to the storage of large quantities of gunpowder. If this clause had to do with the storage of a large quantity of gunpowder in any town I should thoroughly agree with him, but what it is proposed that it should enact is that permits be required for the removal of gunpowder from one place to another where large works may be in the course of construction and that is where I think the hardship comes in. I remember the fire in Kandy near Messrs. Miller's shop, but I am not aware that there was such a huge quantity of gunpowder stored in the boutique as the Auditor-General has indicated, although I know, being in Kandy at the time, that there certainly were some barrels. What, however, I want to know is what bearing the storage of gunpowder in towns has upon this clause 17, which refers entirely to the transport of powder.

The Hon. the AUDITOR GENERAL.—I am sorry, sir, that I have not made myself quite plain to the hon. member. When the authorities in Kandy were taken to task for permitting the boutique-keeper to have such a large quantity in his boutique, they replied, very naturally I think, they were not in the habit of making inquisitorial visits every day to the boutiques and that the boutique-keeper had been enabled to obtain such a very large quantity without the consent of the constituted authorities by reason of the fact that as much as 500 lb. could be taken, without a license, from one part to another. If the limit had been 50 lb. as in the Ordinance of 1873 the attention of the Government Agent would have been drawn to the fact that the boutique-keeper was getting large quantities. He would naturally see that the man was storing up a large quantity and that it would be worth while going to see whether he was storing up more than was required by law. That is how the license for the transport of gunpowder works in connection with the license for storing a large quantity. If you can get a very large quantity without the consent of any person, then it is exceedingly difficult to go into a man's boutique on suspicion and search it; and such searches it is well known give rise to a very considerable amount of irritation. It is much better to stop the evil at the fountain head. The local authorities on receiving notice that a large amount of gunpowder is being taken constantly from such and such a town or village, to such and such a man in such and such a town or village, can watch and see whether the man is keeping an unduly large quantity outside a public magazine to the danger of his fellow townsmen.

H. E. the GOVERNOR :—I understand that the amendment proposed by the hon. member for the mercantile community is that clause 17, as it now stands, should be omitted.

The Hon. W. W. MITCHELL :—Yes, entirely.

H. E. the GOVERNOR then put the question and declared that the "noes" had it, so that the clause as moved by the Hon. the Treasurer was adopted.

The other clauses provided for explosives not being sold without a license, the exemption of explosives the property of the Crown, the searching of premises, and the imposition of penalties, Police Courts having jurisdiction.

The clause in the original bill which provided for the licensing of firework factories by the Government Agent was omitted.

All the clauses having been gone over the Council resumed, when the Hon. the Treasurer reported the bill as amended and moved that it be referred to the Law Officers of the Crown for their report which was agreed to.

THE SUPPLY BILL.

H. E. the LIEUT.-GOVERNOR then brought up the Report of the Sub-Committee on "An Ordinance for making provision for the contingent charges for the year 1894." As the report had been laid on the table of the Council only since members had met that day he did not know whether they were prepared to proceed in Committee with the bill, but if they were he was quite ready.

The Hon. W. W. MITCHELL.—As far as the unofficial members are concerned they are quite ready to go into Committe on the bill.

Council then went into Committee and the Report of the Sub-Committee was taken as read.

COLOMBO HARBOUR.

H. E. the LIEUT.-GOVERNOR on the first head, "Charges on account of public debt," moved that the item be increased by R105,000 in accordance with the first paragraph in the Sub-Committe's report, explaining that it was to meet the interest of 3½ per cent for the half-year on the sterling loan that was raised to meet the cost of harbour improvements, railway and other public works.

This was agreed to.

One or two small items of increase were then passed.

HELP WANTED FOR THE DISTRICT JUDGE.

The Hon. P. COOMARA SWAMY referred to the item "District Judge" and the following statement in the Sub-Committe's Report ;—

"The COLONIAL SECRETARY stated to the Sub-Committee that the subject of the amount of work falling on the District Court of Colombo had received the special and continued attention of the Government, but the Sub-Committee would urge the propriety of giving in some way assistance and relief to the Judge of this Court."

He said :—Sir, I should like to ask whether the Government intend to give any help to the District Judge of Colombo and what the nature if that help is, because to us who know about the District Court it is simply painful to see so much work and only one Judge to attend to it. If I am allowed I would suggest the appointment of an additional judge to attend to the testamenary, insolvency, and criminal-work, and thus leave all the other civil work in the hands of the present District Judge of Colombo, who would be able to get through it properly. Otherwise the work will simply be more than one can do and it will go into arrears, and the Judge will, after a time, be unable to do his work properly and efficiently.

H. E. the LIEUT.-GOVEENOR :—I can only repeat what is stated in the paragraph of the Sub-Committee's report to which the hon. member has referred, namely that the pressure of work in the District Court of Colombo has received the repeated and special attention of the Government. As a matter of course the Government will again give attention to the subject in consequence of the suggestion made in the Committee's Report, but I may state that since the Committee made the suggestion the Government has hardly had the time or the opportunity to give it that consideration.

COMMISSIONERS OF REQUESTS AND POLICE MAGISTRATES.

H. E. the LIEUT.-GOVERNOR moved that the amount under personal emoluments and the total be increased by R1,000 explaining that the object of the increase is to put the salary of the

itinerating magistrate of the Colombo rural district in the same position as that of the itinerating magistrate of Saffragam. The itinerating magistrate for Colombo received a salary of only R2,000 whereas the other officer received R3,000; and apart from the justice of putting both officers in the same position there was the well-known principle that gentlemen in the position of magistrates should receive adequate salaries. He moved that the item personal emoluments be carried out at R51,076 and the total at R82,067 agreed.

ASSISTANT SUPERINTENDENTS OF POLICE.

The Hon. A. De A. Seneviratne:—Sir, I find in the details of expenditure under the head of "Police," the item—three Assistant Superintendents, Second class at R3,000 each It transpired on enquiry in Sub-Committee that these three Assistant Superintendents have so far been in training only, that as a matter of fact they are not Superintendents at all, but are merely learning to be Superintendents. Yet they are drawing R3,000 a year and pundit and horse allowance and placed on the same footing as gentlemen who have been admitted into the Civil Service proper after a severe competitive examination. Now, when there are so many able men available in the Civil Service it struck me as strange that young men should be engaged for the police who have no special qualifications and who require even to be taught riding here at the expense of the Government. I say it struck me as strange that we should do that instead of engaging the services of men in the Civil Service, who would be willing and who would certainly be more competent to discharge the duties of Police Superintendents. I do not mean at all to say that young Civil Servants should be taken away from their legitimate duties and be drafted into the Police Department never to be able to take advantage of appointments in the Civil Service afterwards. What I do mean is that as they now go from one Department to another by promotion, so whenever there are found among the Civil Servants competent men to undertake these duties, the appointments of Assistant Police Superintendents should be open to them instead of attempting to train young men here for these duties at great expense. We have no training school for Superintendents any more than we have a training school for the regular police; and besides I think it would really be better to get a few of the policemen from London, who regulate the traffic there so admirably, to instruct these men than to attempt in our own ignorance to train them to be Superintendents or policemen. Who is the man here who is capable of instructing these three Police Superintendents? Is there anybody who has had the training elsewhere? Without actually pressing the matter to a division, but in order to raise the question of expenditure under the new arrangement of giving police duties to the Government Agents and in addition employing a large number of Superintendents, I would formally move, so that other gentlemen may express their views on the subject, that this vote of R9,000 be omitted. I think the pundit, horse and training allowances might very well have been dispensed with and competent men of the Civil Service appointed. At present one does not see the necessity for having such a large number of Assistant Superintendents and as I said, on enquiry I was told that they were really not so much discharging the duties of Superintendents as learning to be Assistant Superintendents.

The Hon. M. C. Abdul Rahaman:—Sir, I understand that the policemen and sergeants and sergeant-majors are doing better work than these new Assistant Superintendents, and while I do not wish to mention names I might say that one of these men in particular has done far better work than any of these Superintendents. It is useless to bring out people from other places for these posts. The men who come here are like military officers, but we do not want to make war with the poor gamblers and other people that I do not like to speak about. We only want men to go to the houses and catch the thieves. We want men trained in the country who know the places where to get the thieves. When these new people come they are like the military with their drill and horse and other allowances and I do not know what else. We cannot throw away money in this way; we only want sufficient men. We cannot do without the Inspector-General and a certain number of officers to drill the police, but the other appointments should be given to native officers. It would be much better to reduce the number of inspectors even by making a new grade of sergeant-majors with those who did satisfactory work. I think there are more inquiries in the Police Department than in any other department in the island. When Sir G. Campbell came here he tried to put things right, but yet he enlarged the police. Afterwards somebody came from India and there was another arrangement All this won't do. We do not care for Europeans for this business; we want only good men.

The Hon. W. W. Mitchell: I sympathise, sir, with what has fallen from the hon. member opposite (the Sinhalese member) on the broad ground that the expenditure appears to be too high under this head. When the police were placed under the control of the Government Agents we were led to hope that the expenditure instead of being increased would be reduced, but instead of that we find a large number of Superintendents so called provided for, and a large sum has to be set aside merely for training these officers. They are non-effective so far, and a great deal of money is being expended in training them. Is its really necessary that we should have these men or is it not under the new system? The cost is altogether very large when we add the different items including the pundit and other allowances. I move no motion but merely take this opportunity of expressing my belief that much of that expenditure might be saved.

The Hon. L. H. Kelly:—I take it, sir, that the object of the mover of this resolution was to allow some discussion on the general question of police. I support him with regard to the expenditure on the three officers referred to, for the simple reason that while I think it is very necessary that Superintendents should be trained and capable men I cannot understand how a portion of the police should be taken away from under the proper head and authority and placed under the Government Agents and at the same time the necessity should exist for training a larger staff for a smaller body of men. I am thoroughly opposed, and always have been, to the splitting up of the police. I think that the police should be entirely under the Inspector-General of Police. I do not think that the Government Agents ought to have anythnig whatever to do with the regular police and very little to do with the rural police; but of course they must have a certain amount to do with police headmen. I think that if the Police Force were thoroughly organized and thoroughly worked under the head of the department so as not to take up the time of the Government Agents as has been forcibly urged on other occasions, it would be very much to the advantage of the Police Department—very much

to the advantage of its efficiency—because the men would be under one head who would make it his sole duty to see that they were made as efficient as possible. We have been told that the scheme is on trial. Well, as far as I know I do not think that the rural police or police arachchies have been a success. I do not wish to say anything against individual members who have been appointed, but I must candidly say from the opportunities I have had, as an unofficial magistrate, of noticing the result of certain cases entrusted to them that I do not think they have been a success; and I cannot think that any splitting up or dividing of power of this sort, more especially police power, can be a good thing. I think it only tends to friction. I am very sorry that any portion of the police is put under the Government Agents and I should like to see a reversion to the old system and the whole of the Police Force put under its proper head, the Inspector-General.

The Hon. the ACTING GOVERNMENT AGENT, W. P. :—The hon. the planting member having stated his experience of the working of the new system of police, perhaps I ought not to refrain from expressing my opinion also. I have had practical experience of the working of the new system in two Provinces, sir, and I unhesitatingly say that rural crime is now receiving and amount of attention that it never before received in Ceylon. The cases are carefully looked into, the criminals are followed up, the headmen are pressed to see that no offender escapes, and the people are now being taught that going away and evading justice as they used to do, will not prevent prosecution in serious matters, but that when they come back they will be taken up. The new system has not been long on its trial but my experience has been most favourable, and I think that as time goes on certainly as regards the lowcountry of Ceylon, Government will never regret the change that has been made.

H. E. the GOVERNOR :—I understand the hon. member does not wish to press his motion to a division?

The Hon. A. De A. SENEVIRATNE :—No, sir.

H. E. the LIEUT.-GOVERNOR :—I understand the hon. member who moved this resolution to object to the number of Superintendents who are provided for in the estimates, and I understood him to make two suggestions. One was that men of that large and respected body of men who control the traffic in London streets should come here and do the business, and the other was that we should select men from the Civil Service. I would remind the hon. gentleman that in connection with the organization and management of the police the idea of making police officers of the Civil Servants had been considered and dismissed as impracticable. I may mention as a matter of fact known to myself that there was only one officer eligible who would have accepted an appointment in the police. I do not know whether the hon. member meant that the junior members of the Civil Service should undertake these duties in addition to their present duties, that is that the number of the Civil Service should not be increased in order to enable them to give their services to the police, but I can only say sir, that the time of the junior members of the Civil Service is at present most fully employed. The hon. member smiles, but I would assure him that I am at my wits' end to find two officers for two districts. An hon. member the other day referred to the number of Cadets as if they were going about the country unoccupied and idle, but there is not a Cadet at this moment idle, and the one who was appointed to me has been taken away for other duty. I think hon. members make statements of this sort without taking any opportunity of informing themselves on the subject, and I think, sir, that I have shown the hon. gentlemen that there are not gentlemen in the Civil Service to fill the position he speaks of. If there has been a weak point in the Police Force it was, sir, that it was not properly officered or superintended. Comparing the police of this country with that of two other Colonies in which I have served and in both of which there was a semi-military police organization similar to ours, and taking the number at 1,300, I do not think the proportion of officers is at all too much. With regard to the training of the officers I would state, sir, that they are under training, but they are not altogether so and have a considerable amount of duty to do. If they were efficient in their duties they would not be kept here in town. In other words Colombo does not require the number of officers that is debited against it. This is the headquarters or depôt which sends out trained men and officers; and I do not think that the number of officers is in disproportion to the number of 1,300, of which I think the force consists. The hon. the Planting member has referred to the more general question and I would only ask members of the community who may read the discussion to bear in mind the difficulties of the other alternative. One difficulty of continuing the police under the Inspector-General is the practical one of working what I call the rural police, who give honorary and gratuitous services, in any other way than through their own Government Agents. The other difficulty is a financial one. If the honorary and gratuitous services of the headmen are dispensed with the only alternative is a very large and expensive addition to the Police Force, I only mention this, sir, in order that if any further consideration is given to the subject the difficulties of the alternative course may be borne in recollection. I presume the motion of the hon. member may be considered to be withdrawn.

The Hon A. DE A. SENEVIRATNE :—I said, sir, that I did not intend to press it.

The matter then dropped.

NEW RIFLES FOR THE POLICE.

H. E. the LIEUT.-GOVERNOR next moved that to the item of police, "other charges," be added R5,000 to provide an instalment of a new arm for the police, the present arms having become unsuitable. Of 450 arms charged to the police 434 had recently been condemned by military experts, and of these 434 a large proportion was declared to be positively dangerous. This provision would allow of an instalment of 100 being obtained.

Agreed.

HOSPITALS AND DISPENSARIES.

On this vote coming up,

The Hon. A. DE A. SENEVIRATNE said:—I wish to ask, sir, whether any provision has been made for re-opening the dispensary that was closed when the hospital was opened at Neboda. I understood in Sub-Committee that it was the intention of Government to re-open the dispensary.

H. E. the LIEUT.-GOVERNOR :—There is some correspondence about dispensaries in the district. There is a dispensary also at Horawella.

The Hon. A. DE A. SENEVIRATNE :—I understand a building was engaged by the Department and that it was to be visited occasionally, once a month I think, by the officer stationed at Beruwala.

H. E. the LIEUT.-GOVERNOR:—Horawella is a few miles from Matugama and there is some correspondence about it. I was under the impression that a dispensary was opened there which should be visited occasionally by the officer in Beruwala; that it was proposed to have a resident medical officer at Horawella who should visit the dispensary at Matugama. I now beg to move that the item of "hospitals and dispensaries" be increased by R5,000 to allow of the extension of the dispensary system. The usual provision under this head was struck out of the Supply Bill when the estimates were being considered for the reason, partly, that we were apprehensive that there would not be sufficient money available, and partly because there was an impression that the P. C. M. O. could not furnish the men to carry on these dispensaries. Now that that apprehension has been removed I beg to move the re-insertion of this vote to enable this very useful work to be extended.

Agreed.

AIDED HIGH SCHOOLS.

On the vote for public instruction,

The Hon. A. DE A. SENEVIRATNE said:—Sir, I wish to bring to the notice of Government the fact that certain Provinces have not aided high schools in the same way as other Provinces have. A circular appears to have been issued by Government to the Director of Public Instruction not to register any more aided high schools, but I do not think it was the intention of Government to apply this generally to all parts of the country. I think the Director of Public Instruction should have some, discretion to register at least one aided high school in each Province. A complaint was made to me from Kurunegala that although several applications for an aided high school had been made, the only reply that the Director of Public Instruction was able to give was that he was instructed by Government not to open any more aided high schools. On a hint from H. E. the Lieut.-Governor I had a talk with the Director of Public Instruction and he pointed to the instructions given him when he first took charge of the department, to the effect that he was to follow the policy of the former Director not to register any more high schools. He thought he was bound by that and therefore he could not register a high school at Kurunegala. I also understand that in the whole of the North Western Province there is not a single aided high school for boys and that in the Province of Sabaragamuwa there is a high school for boys which is entirely supported by Government. Why, therefore, should not the North-Western Province have a grant-in-aid school allowed it. I only call the attention of Government to this in order if it is found desirable that the Director may be given a discretion to allow at least one aided high school in each Province.

H. E. the LIEUT.-GOERNOR—I would say generally, sir, without any great confidence or that I have very positive information in my possession, that the policy of the Government has been rather to leave these high class schools shift for themselves; but sir, at the same time there is no rule without its exception, and if the hon. member makes any representation or has any representation made to him, the Education Department I am sure will give it every consideration. I cannot bring to my recollection that the subject has received consideration for sometime, but my own impression of our policy is that it rather to the discouragement of the higher schools, leaving them to take care of themselves. The Government will be very happy to consider any representation that may be made.

The Hon. A. DE A. SENEVIRATNA.—The Director expressed his willingness, sir, that I should mention the matter to Government because he thought one aided high schools might be allowed in each Province.

THE TECHNICAL INSTITUTE.

H. E. the LIEUT.-GOVERNOR then moved that the Education vote be increased by R1,000 under personal emoluments in order that the Superintendent of the Technical Institute might have a second assistant. The school had attracted pupils far beyond their expectations. They expected to begin with only a dozen or a score of students, but the number had already reached 47 and there was the prospect of it increasing. The Superintendent had represented that with only one assistant he could not instruct such a large number of boys and at the same time superintend and administer the school and workshops.

Tht vote was agreed to.

FOREST REGULATIONS.

On the vote for the Forest Department coming up.

The Hon. A DE A. SENEVIRATNE said:—Sir, I wish to call the attention of H. E. the Lieut.-Governor to the 93rd clause of Ordinance 10 of 1885, namely:—

"All regulations and rules under this Ordinance made and approved by the Governor, with the advice of the Executive Council, shall be laid before the Legislative Council within one month of the commencement of the session next after the making of such regulations or approval of such rules, and shall cease to have any force or effect if disapproved by the Council within two months of being so laid on the table."

I wish to know, sir, when the rules made under the Forest Ordinances were laid on the table of this Council as required by this clause.

H. E. the LIEUT.-GOVERNOR said he had previously had this section brought to his attention. With one exception the provision had not been observed, but as he had stated in reply to a question by the Planting representative, they had been engaged in what he supposed he might call a codification of the Forest Ordinance. He had promised the hon. member that the rules would be ready and published in the course of the following month, but he was afraid that he would not be in a position to fulfil that promise. Several questions had been raised since, but he hoped the codification would soon be completed, and he hoped that he, and those who worked with him, would not fail to observe the provision of the law to which the hon. member had now called attention. It was rather difficult for one to bear in mind any regulations or provision of that sort, there being nothing to remind him of it.

The Hon. L. H. KELLY:—I think these are the rules I applied to you for a short time ago.

COVERING WANTED FOR RAILWAY CARRIAGES.

On the vote for the Railway Department.

The Hon. L. H. KELLY, said:—I would ask, sir, whether it is the intention of Government, as I do not see any provision here, to have coverings put up for carriages. Carriages stand out in the excessive heat and rain which we have in this country and that must be very detrimental to them. The other day, accompanied by some of the railway staff, I went through some of the carriages recently brought out. There had been a heavy fall of rain and there was not one single carriage dry, the whole floor being wet. I think it would be advis-

able for Government to take into consideration that it would really be a saving in the long run if some covering were provided at any rate for the higher class of rolling stock. I do not see any provision either for lines at Alagalla, I think it is, a station half way between Kadugannawa and Rambukkana.

H. E. the LIEUT.-GOVERNOR :—I think the General Manager asked for 103 items of new works and as far as I can tax my recollection, lines at the place referred to did not form one of them. I do not speak, however, with much positiveness as I cannot pretend to remember them all. I am led to believe (this after turning towards the Governor) that perhaps my memory may have strayed, and considering the number of items, there is perhaps some excuse for that. We can only provide all these things by degrees for the works are very numerous. At present we are engaged in sheltering the passengers as much as we can, and providing very extensive and very expensive coverings at railway stations. In time I daresay we will have the new carriages sheltered also. If we had the money to spare at the present moment I am not sure that we could build in the direction to which the hon. gentleman refers for the reason that a considerable extension of the railway terminus will shortly be made. We are in a transition state and any buildings of the sort alluded to might have to be removed afterwards. I can assure the hon. member that the general manager does not fail to remind us annually of all his wants, and I regret that we are not able to meet them all because they are for the convenience of the community. When the opportunity and funds can be provided I have no doubt that we shall supply the protection for carriages to which the hon. member has referred.

The Hon. L. H. KELLY :—I am perfectly satisfied with what His Excellency the Lieut.-Governor has stated. I only pointed out this in order that if a further large votes were thought of from the general revenue, due consideration might be given to that portion of the railway which gives such a very fine revenue to the colony.

THE REDUCTION OF HANDS IN THE GOVERNMENT FACTORY.

On the vote for the Public Works Department.

The Hon. A. DE A. SENEVIRATNE :—I wish, sir, to ask for particulars regarding the discontinuance of a large number of those employed in the Government Factory that has been referred to in one of the newspapers. It was stated that suddenly something like 196 men were turned out of work. I should like to know what was the necessity for employing such a large number and how the necessity for their employment ceased so suddenly.

H. E. the LIEUT.-GOVERNOR :—I have no official knowledge whatever of the subject, and I have no knowledge beyond that which I suppose the hon. member has, namely what I have read in the public newspapers. What occurred to me, sir, at the moment as the explanation was that naturally towards the close of the year work at the Factory must be considerably slackened for the reason that the Factory cannot carry on work this year which has to be charged to next year. It is almost a necessity that the working of the Factory should be s[illegible] at the close of the year, and I have no doubt that that accounts for the circumstances that so many hands have been dispensed with. It is a thing which must take place every year; there can be nothing unusual about it as otherwise I think it would be reported to me officially. As the hon. member has drawn attention to the matter I will make some special enquiry, but I think that what I have stated is the explanation, and in the cirmumstances of that explanation I do not see how the Government could act. At this stage I propose to adjourn the consideration of this bill in committee.

THE PASSARA ROAD SURVEY.

The Hon. L. H. KELLY :—As it does not appear in any way before us I was going to ask a question with regard to the survey of the Passara road which has been ordered. In Sub-Committee I understood from the Chairman (the Colonial Secretary) that although the vote had not been increased the Director of Public Works had a sufficient sum of unexpended balances to be able to execute the work. There has been a good deal of heart-burning over this matter. I have the Colonial Secretary's assurance that the matter will be carried out, but I ask the question in Council in order that the public may obtain the information direct.

H. E the LIEUT.-GOVERNOR replied that instructions were given 10 days or a fortnight ago to have the survey carried out. The amount was totally insufficient, but there was a general vote for making surveys, and any further amount would be paid out of the corresponding vote next year.

Thereafter on the motion of H. E. the LIEUT.-GOVERNOR further consideration of the Supply Bill in Committee was adjourned and the Council resumed,

THE SUPPLEMENTARY SUPPLY BILL.

On the motion of the Hon. the AUDITOR-GENERAL, Council went into Committee to receive the report of the Sub-Committee on "An Ordinance for making provision for the supplementary contingent charges for 1893."

The report (which we have already published) was taken as read.

On the motion of the Hon. the AUDITOR-GENERAL consideration of the bill in Committee was adjourned till next meeting and the Council resumed.

SUPPLEMENTARY CHARGES FOR 1892.

The Hon. the AUDITOR-GENERAL moved the second reading of "An Ordinance for making final provision for the supplementary contingent charges for 1892."

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

Thereafter the bill was passed through the Committee stage and on the motion of the Hon. the AUDITOR-GENERAL referred to the Law Officers of the Crown for their report.

ADJOURNMENT.

On the motion of His Excellency the GOVERNOR, Council adjourned at 5-40 till Wednesday next at 2-30 p m.

WEDNESDAY, DECEMBER 6th, 1893.

Present :—His Excellency Sir Arthur Havelock, President. Sir E. Noel Walker, Lieut.-Governor; H. E. Major-General Olive Justice, Officer Commanding the Forces; the Hons. J. A. Swettenham, Auditor-General; F. R. Saunders, Treasurer; C. P. Layard, Attorney-General; E. Elliott, Acting Government Agent, W. P., P. A. Templer, Government Agent, C. P.; R. Reid, Principal Collector of Customs; D. G. Mantell, Acting Surveyor-General; W. W. Mitchell, Mercantile representative; Dr. Anthonisz, Burgher representative; A. de A. Seneviratne, Lowcountry Sinhalese representative; M. C. Abdul Rahiman, Muhammadan representative; and P. Coomara Swamy, Tamil representative.

Absentees :—The Hons. J. J. Grinlinton, General European representative ; L. H. Kelly, Planting representative; and T. B. Panabokke, Kandyan representative.

THE CEYLON COURT OF ADMIRALTY.

The Hon. the ATTORNEY-GENERAL :—I rise, sir, to move the first reading of "An Ordinance to amend the Ceylon Court of Admiralty Ordinance 1891." The object of this bill is to enable one Judge of the Supreme Court to hear any cause in the Admiralty Division of that Court. In a late case the Judges of the Supreme Court held that they could only hear the case when all the three Judges, that is to say, the full Court, were sitting together. This is obviously very inconvenient to the public and would prevent altogether during the absence of a Judge on circuit the carrying on of any Admiralty cause that might be instituted in the Court. In the absence of any judge from Colombo a case which had commenced would have to abate until all the judges were in Colombo. The Chief Justice has suggested that an amendment of section 22 of the Ceylon Court of Admiralty Ordinance 1891 would meet the case. In view of that the present bill has been introduced. Hon. members will find that the only material alteration that has been made in section 22 of the Ordinance is the insertion of the words in sub-section 2 :—

"And subject to any rules any judge of the Supreme Court may exercise in all actions, causes, and matters which come before such court sitting as a court of first instance, and not as a Court of appeal, all or any part of the jurisdiction by this Ordinance conferred or intended to be conferred on the Supreme Court."

The words in the old bill were :—

"And subject to any rules, where the ordinary civil jurisdiction of the Supreme Court can in any case be exercised by a single judge, any jurisdiction conferred by the Ordinance may in the like case be exercised by a single judge."

The judges of the Supreme Court have held that in no case could the jurisdiction of the Supreme Court be exercised by a single judge in Admiralty and consequently all Admiralty causes would have to be brought before the full Court. I move the first reading of this bill.

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

The Hon. the ATTORNEY-GENERAL :—I now give notice, sir, that I will take the second reading of this bill at the next meeting of Council, and, with the leave of the Council, I will then move that the standing orders be suspended to enable me to take the third reading on that occasion, the bill being one of importance as an Admiralty cause may arise at any time.

KNIFE ORDINANCE.

The Hon. the ATTORNEY-GENERAL in moving the first reading of "An Ordinance relating to the wearing and carrying of knives" said :—Your Excellency in your opening address to this Council in 1890 gave the Council a full explanation of the circumstances which led to the introduction of the Ordinance No. 19 of 1891. I regret to say that these circumstances have not materially changed, and that crimes of violence are still too prevalent in the Colony. The Ordinance 19 of 1890 expires at the end of the present legislative sessions, and consequently it is necessary to re-introduce the provisions of that Ordinance which the bill now before Council does with merely two alterations. It enables the Governor when he issues a proclamation under the Ordinance, besides the other exemptions which are provided for

"To exempt, with or without conditions, any person or class of persons carrying on, engaged in, or employed in any profession, trade, business, manufacture, or occupation, whether agricultural or otherwise, from the provisions of this Ordinance."

This subsaction was inserted because otherwise inconvenience might be caused in certain cases. Take the case of a shoemaker who carried on his business at some place adjoining a proclaimed district, and who might have to go for the purpose of his business within the proclaimed district. There was no power under the old bill to excempt that man as he did not reside within the proclaimed district and this clause has been inserted to meet a case of that kind. The only other alteration is that the bill, instead of being limited to a period of years as proposed should, when it comes into force, continue to remain on our statute book. It is not the intention of the Government to introduce this Ordinance throughout the whole of the colony, and I think that the members of this Council may be satisfied from the way that the present Ordinance has been worked, for it has not been introduced into any part of the colony, that Government will carefully work this measure and not put it into operation unless it is absolutely necessary. I do not wish to say on behalf of Government that it will not be necessary for I fear that it will be necessary to make a trial of it probably in some portion of the Southern Province where crimes of violence with knives have been very frequent of late. I move the first reading of "An Ordinance relating to the wearing and carrying of knives."

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

The Hon. the ATTORNEY-GENERAL :—I now give notice, sir, that I shall take the second reading of this bill at the next meeting of Council, and, with the permission of Council, I will move that the standing orders be suspended to enable the bill to be read a third time as it is desirable that the bill should be passed as soon as possible.

THE PROTECTION OF FOREIGN BIRDS, BEASTS AND FISHES.

The Hon. the GOVERNMENT AGENT, C.P., brought up the report of the law officers of the Crown on "An Ordinance to prevent the wanton destruction of birds, beasts and fishes not indigenous to this colony," and moved that it be read which was accordingly done by the Clerk of Council.

On the motion of the Hon. the GOVERNMENT AGENT, C.P., seconded by the Hon. the TREASURER the bill was then read a third time and passed.

RABIES.

The Hon. the AUDITOR-GENERAL brought up the report of the Law Officers of the Crown on "An Ordinance relating to rabies."

The report having been read by the Clerk of Council the bill was read a third time and passed on the motion of the Hon. the AUDITOR-GENERAL, seconded by the Hon. the ACTING GOVERNMENT AGENT, W.P.

PAWNBROKERS.

The Hon. the ATTORNEY-GENERAL brought up the report of the Law Officers of the Crown on "An Ordinance Relating to Pawnbrokers."

The Clerk of the Council having read the report, the bill was read a third time and passed on the motion of the Hon. the ATTORNEY-GENERAL, seconded by the Hon. the TREASURER.

THE BUTCHERS' BILL.

The Hon. the ACTING GOVERNMENT AGENT, W.P., brought up the report of the Law Officers of the Crown on "An Ordinance to amend the law relating to Butchers and the Slaughter of Cattle."

The Clerk of the Council read the report, and thereafter on the motion of the Hon. the ACTING GOVENMENT AGENT, W.P., seconded by the Hon. the AUDITOR-GENERAL the bill was read a third time and passed.

THE PREVENTION OF ACCIDENTS BY EXPLOSIVES.

On the motion of the Hon. the TREASURER, the standing orders were suspended and "An Ordinance for the Prevention of Accidents by Gunpowder and other Explosives" was recommitted when schedule A was read, and the word "packages" was substituted for 'barrels' in the second subsection, the Hon. the Treasurer explaining that dynamite was usually conveyed in cases and not in barrels.

Council then resumed when the Hon. the TREASURER brought up the report of the Law Officers of the Crown and after it had been read the bill was read a third time and passed.

CONTINGENT CHARGES 1892.

The Hon. the AUDITOR-GENERAL brought up the report of the Law Officers of the Crown on "An Ordinance for making final provision for the supplementary Contingent Charges for the year 1892," and after it had been read moved that the bill be read a third time and passed.

The Hon. the ACTING GOVERNMENT AGENT, W. P., seconded and the bill was read a third time and passed.

THE SUPPLY BILL.

The Supplementary Supply Bill for 1893 was the next item on the agenda, but on the suggestion of H. E. the LIEUT.-GOVERNOR, "An Ordinance for making provision for the Contingent Charges for the Year 1894" was taken up before it, and the Council went into Committee and resumed consideration at the point "Public works annually recurrent."

THE REPAIR OF ROADSIDES.

The Hon. A. DE A. SENEVIRATNE:—With regard to roads within Municipal limits that are maintained by Government. I should like to ascertain, sir, whether the officers in charge of these roads are expected to keep in repair the whole of the roads or only the portion which is metalled, because I find that the sides of a good many roads are utterly neglected. If you go along the Modera road beyond or even as far as Whist Bungalow you will find that the sides of the road are crumbling down into the drain and that they are perfectly useless as footways at present. The washing of the rainwater has caused whatever gravel or stones there were on the sides of the road to project. I think it is expected that the officer in charge should not merely repair the centre of the road which is metalled but the whole of the road.

The Hon. P. COOMARA SWAMY.—The same remark applies, sir, to Sea Street which I believe has the greatest amount of traffic in Colombo. A complaint was made by the residents in that street through me to the Chairman of the Municipal Council who very properly said it was not in his hands but in those of the Government. All the same he said he would write to the Public Works Department and inform them of the matter. The residents complained that owing to the bad condition of the roads, their carts with goods could not pass along with safety, and that the sides of the road were not attended to.

The Hon. P. D. ANTHONISZ:—The sides of the roads ought, sir, to be kept in good order as most of the passengers go bare-footed and it is difficult for them to walk on sharp pieces of metal, and consequently walk on the centre of the road and meat with accident from carriage and carts, being men over.

H. E. the LIEUT.-GOVERNOR:—With reference, sir, to the particular roads of which the hon. members have spoken I have no knowledge myself, but understanding that they represent these roads not to be in good condition I shall cause enquiries to be made respecting them. From the remarks which the hon. member who represents the Sinhalese community made I gather, sir, that his objections are directed towards the narrowing of the metalled portions of roads. That is perhaps a principle in road-making that we have adopted too far, but at the sametime hon. members should remember that it is that narrowing which has enabled a very considerable economy to be exercised in making roads. However, sir, I can give hon. members the assurance that their statements will receive attention.

LADY HORTON'S WALK.

The Hon. A. DE A. SENEVIRATNE:—I would also like to know, sir, how it is that Lady Horton's Walk and connected path are maintained by Government instead of the Municipal Council of Kandy.

H. E. the LIEUT.-GOVERNOR replied that that was rather an old story. It was perhaps given as a concession towards the old Kandy inhabitants, but Lady Horton's Walk was one which attracted everybody who frequented Kandy and seemed to deserve, on that ground, some special consideration. In the same way assistance was given in cleaning out Kandy lake. Colombo Municipality was happily not in a position to require such eleemosynary aid.

TOLL-GRANTS ON MINOR ROADS.

Under this head the items—Western Province R22,211 and Central Province R3,200 were carried out at R23,820 and R3,300 respectively on the motion of H. E. the LIEUT.-GOVERNOR who explained as the reason that the toll rents had been sold at a higher figure.

FLOOD OUTLETS.

The Hon. A. DE A. SENEVIRATNE.—I wish to ask publicly, sir, whether any scheme has been yet adopted by Government for the purpose of relieving the floods from the Kelani river. There is an item of R25,000 for the Dehiwala flood outlet scheme, but what I wish to ascertain in order that the matter may be made public, is whether the grand scheme for relieving floods from the Kelani has yet been matured and whether any scheme has been adopted by Government.

H. E. the LIEUT.-GOVERNOR.—I do not know whether the hon. member has in his mind the very grand scheme proposed by Sir John Coode some 18 or 20 years ago. I think I may say, sir, that the reason why Government have not faced it directly and carried it out is its immense cost, I think I am correct when I say that it would cost millions. However, we are working on the lines of it and working up to that estimate in the construction of the Kelani bridge, in the formation of the Dehiwala flood outlet to which the hon. member has referred and in other directions. One of the largest items I think was connected with the banking of the river for a great number of miles. I may state that under the directions of the Central Irrigation Board an officer is at present engaged in examining the lands adjoining the Kelani river in this connection. This drainage

outlet scheme as a whole is a very large work involving a large expenditure, and I think we may claim that, as far as our means will allow it, we are by degrees working up to it. With reference to the item of R5,000 "for accidental and unforeseen flood outlets," I move that it be reduced to R1,000 and as the wording is perhaps misleading it might be altered to "opening temporary flood outlets," the object of the vote being to clear away pools of drainage water that occur occasionally. It is a vote which has been in the estimates for several years, but we find from experience that we never spend more than R1,000, and to vote a larger sum is simply locking up money.—Agreed.

H. E. the Lieut.-Governor at a later stage moved that the item of R57,000 for the Dehiwala flood outlet scheme be reduced to R25,000, the reason being, not that expenditure is being stopped in anyway but that Director of Public Works finds that from the liberal provision made last year a large balance has to be carried forward to the next year and that with the provision now being made will provide for all the work that he can undertake during the coming year.—Agreed.

THE NEW POST OFFICE.

The proposed vote of R50,000 for the new General Post Office, Colombo, was omitted, H. E. the Lieut.-Governor explaining that the estimate of R270,000 had been fully applied for in Supply and Supplementary Bills.

THE ELECTRIC LIGHT.

On the vote of R80,000 for the electric lighting of Queen's House and the General Post Office,

The Hon. W. W. Mitchell said :—Sir, in Sub-Committee on the Supply Bill it was asked that the design and details of the estimate should be submitted. I would like to know whether these particulars can be furnished now.

H. E. the Lieut.-Governor:—I stated in Sub-Committee that the design and estimates in detail, though they had been applied for to the Crown Agents, had not yet been received. Since the meeting of the Sub-Committee I have received a letter from the Crown Agents advising me of the price at which the various apparatus can be obtained, but the design and estimates have unfortunately been forwarded by book post and I presume will not reach me till the following mail steamer. The report of the Crown Agents enables me to say that the plant in England will cost about R62,000. The latter only reached my hands within the last few days, and while I do not pretend to understand the technicalities of it thoroughly—it speaks about the engines, dynamos, electric motors, number of tubes, square feet of surface, area, diameter, length, &c.—the deduction I make from it is that the cost will be a sum of about R62,000. I do not myself and I do not think any one will gather any impression of the work from what is stated here. It is a matter in which the Government feels entirely in the hands of the technical advisers at home whom we have informed of our wants, and we feel confident that they will not supply more expensive apparatus than is necessary. On the general question, sir, I think I may say that it would be a decided advantage to this colony to have the experiment of electric lighting tried in some one or two buildings so that the rest of the community might profit by the experience gained at the public expense and at their saving purchase some experience in the application of this mode of lighting. Negotiations to secure the introduction of the electric light have been going on since April 1889 and I have taken from time to time considerable part in them. There was always a difficulty in getting parties to come to terms. I may say, sir, that the main difficulty was the great cost, but I think, sir, on general grounds it is desirable to have an experiment in the application of the electric light on a large scale. When the proposal was considered from time to time it was contemplated to include the Customs, and we also desired to have what I may call private institutions—the Hotels and the Wharf and Warehouse Company—and others, and my recollection and impression is that the difficulties in the way were those of expense. I think I may say that the community feel that their credit is at stake in having a presentable well-furnished Government House. Such a house is a credit to the place and reflects credit on the community, and there is no doubt I think that it is from things of that sort that the passengers passing through a place like Ceylon make their deductions as to the standing of the colony. It was from a sentiment of that sort, sir, that I was disinclined to accept the restrictions which some hon. members of this Council desired to place on Government in the amount they were to spend on our Post Office. The Post Office is a place to which the public resort and I have no doubt as I have said that passengers in passing through take their measure of the Colony from what they find in an institution like the Post Office. On general grounds I would advocate more liberal expenditure in this respect.

The Hon. W. W. Mitchell:—The amount is a large one, sir, and in voting a sum like this I would have been very much better pleased if it had been found possible to try the experiment on a large scale as undoubtedly it would be less costly in the end. If the Wharf and the Customs' premises could have been lighted at the sametime it would have been found very useful indeed. It is not only the first cost of the plant that has to be taken into account in a matter of this kind, but the upkeep afterwards which will run into a good deal of money. We shall undoubtedly require an experienced electrical engineer to attend to the engine and dynamos and I think that we shall find that although the amount which has been mentioned seems comparatively small it only covers the cost in England.—(H. E. the Lieut.-Governor was understood to indicate that that was so.)—And that when we add the cost of transport and erection it will not be sufficient to cover all. It is, I recognise, very desirable that in a place like Colombo we should have all the modern appliances we can, but in this case we shall have to pay well for our respectability. With regard to the Post Office I do not know that the electric light is so very necessary there, as it is not like the G. P. O. in London where work is carried on night and day continuously. It is only occasionally that we have to make use of light at night or at all events for any great part of the night. I will not oppose the vote, but I should like even at this time if it were found possible to have the experiment tried on a more extended scale. I am aware that several institutions have been making enquiries as to the possibility of introducing the electric light—the large hotels for instance—but the result of their investigation is that it will cost above half as much again as gas.

The vote was then passed.

On account of pressure on our space we are obliged to hold over the rest of our report including the somewhat warm discussion in the withdrawal

of the Ordinance to amend the Municipal Council's Ordinance.

WITHDRAWAL OF THE MUNICIPAL COUNCILS' ORDINANCE.

THE TAMIL AND SINHALESE MEMBERS THREATEN TO RESIGN THEIR MUNICIPAL SEATS.

The Hon. the ATTORNEY-GENERAL moved the second reading of "An Ordinance to amend the Municipal Councils Ordinance, 1887."

The Hon. the AUDITOR-GENERAL seconded.

The Hon. P. COOMARA SWAMY.—I suppose that I may take it for granted that this bill is now being introduced at the repeated request of the Municipal Council of Colombo for the amendment of many important Clauses in the principal Ordinance, but I must say that the bill is very disappointing to all of us, for not one of the more important amendments suggested by the Municipal Council has been introduced into it. The Municipal Councils in the Island of Ceylon at the present day receive their powers under the Ordinance of 1887. From the time that Ordinance was passed up to now it has been eminently unsatisfactory both to the several Municipal Councils and to the public generally and the Municipal Council of Colombo has repeatedly passed resolutions pointing out the necessity for amending the principal Ordinance. They have also indicated what matters require amendment. First of all amendments are necessary as regards the appointment of the Chairman of the Municipal Council of Colombo, secondly as to the constitution of the Municipal Council, and thirdly as to the Executive powers vested in the Chairman. The Sub-Committee of the Legislative Council appointed in 1890 consisting of the Lieut. Governor, the late Attorney-General and Messrs. O'Brien, Moir, Ramanathan, Mitchell, Seneviratne and Grinlinton reported on the 6th December as follows :—

"It (*i. e.* the Municipal Council amendment Bill of 1890) does not touch any of the larger amendments which in the opinion of many are required in the principal Ordinance. A satisfactory settlement of these larger amendments will demand time and careful treatment, but the Sub-Committee have no doubt that when Municipal Councils have formulated their desire in regard to them, the Government will give their representations its attentive consideration."

The Government has had very nearly three years to give this consideration, and the Municipal Council's reports have been before the Government for sometime, and I do not know why the amendments which the Municipal Council's and the public thought were necessary have not been granted. This bill is being introduced now merely to amend the principal Ordinance in some minor matters. With regard to the appointment of the Chairman, the Municipal Council suggested that it should be for three years and that authority should be given to your Excellency to renew the appointment. Now I think, sir, that this is a very reasonable request. It may be said that the Governor has now the power to cancel the appointment. Quite true, but cancelling an appointment is one thing and renewing or not renewing it is another. To cancel the appointment of the Chairman the Governor would require charges to be formulated and proved before he would take such a grave responsibility upon himself. For the cancelling of an appointment would be branding a man as it were with disgrace, it being virtually a dismissal. In the case of non-renewal however there would be no such disgrace. When the Governor receives a hint that the Chairman is not acceptable to the Council or that he is otherwise unfit, His Excellency has simply not to renew the appointment and allow the Chairman to go wherever he chooses. Besides, the term of three years will give the Governor and the Council the opportunity of judging whether the person who is acting as Chairman is giving satisfaction and should be continued in his office. This principle, I find, sir, is recognised in the different Municipalities in India. The North-Western Provinces and Oude Act of 1883 and the Bombay Act of 1865 recognise this principle and enact as follows "who (the chairman) shall be appointed by the Governor in Council for a term of three years and shall be eligible for re-appointment." Another thing proposed by the Municipal Council was that if two-thirds of the members of the Municipal Council at their meeting recommended that the Chairman should be removed power to do so should be inserted in the Ordinance. It is a very reasonable request and I think that Government ought to grant it. I will not here enquire into the history of the different Municipalities of Ceylon to see whether an instance has occurred of a Municipal Council desiring to part with their Chairman, but we can all conceive that a Municipal Council might desire to get rid of their Chairman, and yet there is no power given to do so. This principle, sir, has been recognised in India by the Bombay Act No. 2 of 1865 section 11 which says :—

"Provided that he (the Commissioner) shall always be removable from office by the Governor in Council ...or at the recommendation of not less than two-thirds of the Justices of the Peace present at a special general meeting of the Justices."

It is also recognised in the Madras Act of 1878, and in the Bengal Act No. 3 of 1884, section 14, and I should like to know why the Municipal Councils of Ceylon should not have the same power. Is there any reason why the same confidence should not be placed in the Municipal Councils of Ceylon that is placed in the Municipal Councils of India. The second subject referred to by the Municipal Council sir, was the constitution of the Council. By the 10th clause of Ordinance 7 of 1887 it is enacted :—

"Of the Councillors one-half at least shall be elected. The Councillors not elected shall be nominated by the Governor, provided that if their number be five, there shall be nominated at least one person who holds no office of emolument under the Ceylon Government, and who resides within the Municipality, ... and if their number be nine or more there shall be nominated three such persons."

Here power is given to the Governor to nominate the same number of members as the number elected by the people, but, sir, there was once a Governor, not long ago, who thought he had the right to elect more than that and positively he nominated ten members in the Municipal Council of Colombo. Your Excellency, however, has not gone so far as that yet. The ratepayers of Colombo elect nine members and Your Excellency nominates nine members, and Your Excellency has also the right to appoint the Chairman, which makes the number of official members 10, while there are only nine unofficial members or popular representatives. If Municipal Councils were established in Ceylon for the purpose of giving the people self-Government where is this self-Government when the Government of the Municipality is really carried out by the nominees of the Governor? Another matter is that out of the nine nominated members Your Excellency can, according to the Ordinance, nominate 6 Government officials, and only 3 men from outside the public service. If your

Excellency will look into the Ordinance constituting Municipal Councils in India, you will see that we are far behind the people of India in that respect, Section 14 of the Bengal act 3 of 1884 enacts :—

"Two-thirds of the number of the Commissioners of each municipality.....shall be elected as here in after provided by male persons, resident within the limits of such municipality.....The remaining one-third of such Commissioners shall be appointed by the Local Government.....provided that the number of persons holding Salaried offices under the government and appointed as Municipal Commissioners shall not bear a larger proportion than one-fourth to the total number of Commissioners elected."

In our Council, as I have said, 6 of the nominated members may be officials, leaving only three out side the Government service, but in the Act I have quoted it is provided that the number of persons holding salaried offices under Government shall not bear a larger proportion than one-fourth the total number. The North-Western Province and Oude Act of 1883 also provides that the Board should consist of the same number. I suppose it will be admitted that the Burmese are behind us in what is called here, civilization, and fitness for self Government. but in the Burmese Act of 1884 it is provided that only one-fourth shall be nominated by the Governor. Now, sir, coming to Ceylon we find that under the Village Communities Ordinance, 24 of 1889, Your Excellency appoints the President, but the villagers appoint the Council which consists of 6 members and they carry out the duties imposed upon them under that Ordinance. Why then should the cities of Colombo, Kandy and Galle be placed far behind these Village Councils in that respect? We ask, sir, that we should at least be placed on an equal footing with the Municipal Councils of India and the Village Councils of Ceylon. (Hear, hear.) As to the executive powers vested in the Chairman the 47th clause of Ordinance 7 of 1887 reads thus :—

"The entire executive power and responsibility for the purposes of this Ordinance shall be vested in such Chairman. All Executive Acts which are hereinafter directed to be done by the Municipal Council shall, unless the contrary intention appears from the context be done by the Chairman."

What then is the good of having a Municipal Council if the Chairman is to do all that the Council is bound to do? It may be said that though the clause is so worded the Chairman is really bound to carry out the resolutions of the Council, but that has been questioned, and the Supreme Court has said in a judgment that it is the Chairman who has got to do all these matters. And the strangest part of this Ordinance is that though the Chairman does everything he is not responsible for his acts and the liability for the acts of the Chairman is actually thrown on the Municipal Council which has done nothing whatever to become liable in damages. You will find, sir, that this section is taken from the Indian Acts, but in these Acts there is a proviso which very strangely has been omitted from the Ceylon Ordinance. In the Bengal Act 3 of 1884 sec, 44 it is said :—

"Provided that the Chairman shall not act in opposition to, or in contravention of, any order of the Commissioners at a meeting, or exercise any power which is directed to be exercised by the Commissioners at a meeting."

It will be seen from this that special power is given by the Indian Act to compel the Chairman to carry out the resolutions of the Council, whereas in our Ordinance that has not been done. You will find also in the last part of the Sub-Committee's report to which I have referred it is stated :—

"It is beyond question the law . . . that the Chairman is bound to give effect to all resolutions that are *intra vires* and that are lawfully carried by a majority of the Council."

That principle having been conceded why should it not be inserted in this Ordinance? That is all we ask for under this head. Your Excellency may fancy that all the reforms I have indicated have been desired by the unofficials only, but it was also the opinion of the Chairman of the Municipal Council. In his Administration Report of 1891 Mr. Cameron said :—

"I annex a copy of the report sent in by the special Committee to revise the Municipal Ordinance, the chief feature of which is the proposal to revert to the principle of the old Municipal Law (17 of 1865) I myself think that such a course would be infinitely preferable to the continuance of the anomalies of the present enactment. It will have been for a long time apparent to many that the dissatisfaction felt by the public in general and by the elected members in particular in respect of the present constitution has been daily becoming more pronounced and this being so, I think it behoves the Government to effect some radical change either in the direction of enlarging the powers and responsibilities of the Council or in establishing the independence of the Chairman upon a less ambiguous basis than that on which it now rests. Personally I am in no way opposed to the adoption of the former alternative."

I may mention, sir, that in the time of your Excellency's predecessor a Commission was appointed consisting of Mr. Williams, Mr. Ellis, Mr. Edmund Walker, Mr. L. F. Lee, Mr. Ferdinands and myself and in our report to Government we pointed out that there really was a grievance against this Ordinance and that the Ordinance should be amended. If the bill under discussion today is sent to a Sub-Committee which I hope it will be, there are other points which will have to be considered. There is the question of the control of the police. I think that paying such a large sum as we do. (I think the Municipal Council of Colombo pay something like R60,000 and have let off the Government from paying them a tax which if properly assessed would amount to more than R100,000 or R160,000 altogether towards the cost of the police) it is but right that the Municipal Councils of Colombo Kandy and other places should have some control over the police. Another question which I believe was considered by the Municipal Council of Kandy as well as of Colombo was that the selling of property belonging to those who failed to pay their taxes should be carefully considered with reference to mortgagees. A client of my own had a mortage of R50,000 over some houses in Main Street, Pettah. My client was pressing the debtor for payment and what did the debtor do? He quietly allowed some quarters of taxes to remain unpaid and then got the tax-collector to sell the property the price realised being something like R1,600. The sale was carried out at 11 o'clock and by accident my client heard of it about a quarter-past 11. On being informed of this I went straight up to the Chairman of the Municipal Council before he could have confirmed the sale and got the sale cancelled because the sale if confirmed would have wiped off the mortgage. I heard the other day of an instance where a well-known gentleman of our city, simply in order to help the debtor whose property he had purchased, on a write of execution allowed the creditor to remain in the house for three months on condition that he paid the taxes. He did not pay the taxes and the property was sold and bought by a

relative of this debtor, and the gentleman I speak of lost the property which was said to be worth R1,600. We ask that such a scandalous state of things should not be allowed to exist, and that when one lent money on a proper mortgage he should receive notice of the sale. The proposal of the Kandy Council was even better than ours. They proposed that mortgagees should register their mortgages and addresses in the Townhall itself, and then the parties interested and the Council will at once know what property has been mortgaged and the amount due and where the mortgagee lives. As the matter stands now a man may lend ten thousand pounds and be swindled out of it simply because a tax of perhaps ten rupees has not been paid. I do not think that such a state of things should be allowed to continue. I ask, sir, that this bill should be sent to a Sub-Committee in order that all these things might be considered and a report made. I do not know whether the Government have yet received a report by the Ceylon National Association, but they considered the subject and I believe sent in a long report which is well worthy of the consideration of the Attorney-General as the mover of this bill and the Government.

The Hon. the ATTORNEY-GENERAL:—Sir, in order to save the time of the Council I may say that in view of the remarks that have fallen from the hon. the Tamil member I am prepared on behalf of Government to withdraw this bill. The sole object of introducing this bill into the Council was to meet the wishes of the different Municipalities who had from time to time reported on such amendments as they thought were desirable in the original Ordinance. These amendments were duly considered by the Government and such of them as the Government could accept were embodied in the bill now before the Council. The hon. member who has just spoken suggested amendment going to the root of the original Ordinance. He has raised questions which are very important and which could not possibly be inserted in a bill of the nature of that which is now before this house. The hon. member must be aware that the original bill was drafted by my predecessor in office, Sir Samuel Grenier, who knew the Municipal Council of Colombo and its wants much better than I do; and who for many years before he joined the bar was associated with the Municipal Council of Colombo as secretary. He drafted the original Ordinance and the Government were fortunate in having his advice when amendments were suggested by the different Municipal Councils. He advised the adoption and acceptance of the amendments which have been embodied in this bill. The Government considered his recommendations and eventually adopted all of them. Under the circumstances and as the Municipal Councils do not wish this bill, I trust the members of this Council will allow me to withdraw it. I am not in a position, neither is the Government in a position at this moment, to accept the suggestions made by the hon. member, and in these circumstances I am compelled to move to withdraw the bill.

The Hon. A. DE A. SENEVIRATNE:—I am sorry, sir, to oppose the motion which has been made by my hon. and learned friend. I approve of the principle of this bill as I understand the principle to be that the original Ordinance should be amended. If it is any other principle it has been entirely concealed from me. If I am to gather the principle from the manner in which my hon. and learned friend now wishes to withdraw the bill, it would appear to be not to give the Municipal Councils what they ask but only what Government desires to give, and not to allow this Council to consider whether what the Municipal Councils ask is proper or not. (Hear, hear.) Is it to be supposed that because my hon. friend on my left (the Tamil member) suggested certain amendments to the principal Ordinance, therefore this Council is not to consider whether these suggestions might be embodied in the present bill or not. Surely it is for this Council to consider that. True, the Government have considered certain suggestions by the Municipal Councils but should not this Council have the opportunity of considering the self-same suggestions. It may be possible perhaps for us who are members of the Municipal Council as well as of this Council, if this bill were referred to a Sub-Committee, to advance such reasons for accepting some of the proposed amendments, at least, that this Council may form a different opinion from that formed by Government. I do not think it is fair that the bill should be withdrawn at this stage. I do not intend myself to press some of the amendments which my hon. friend on my left (the Tamil member) has made if as my hon. friend the Attorney-General says they go to the root of the original Ordinance; but I do not think they do, and surely such amendments as this may be accepted, namely, that His Excellency be empowered to give leave to the Chairman of the Municipal Council to go for a few days away from Colombo. That is the sort of amendment that is likely to be accepted if this bill were referred to a Sub-Committee. There are several other suggestions that might be made, and possibly this Council will not accept them all; but would you deprive the Council of the right to go into these? We had the draft of a Stamp Ordinance published. I had many a talk with my honourable and learned friend on the subject, and I was hoping that in lieu of the Succession Duties Bill, the Stamp Bill would make provision for relieving some of those who are too heavily taxed and putting taxes on those who are insufficiently taxed at present, but yet that bill has not been considered. The Supply Bill is practically over, and the Municipal Councils Bill according to my hon. and learned friend, is now to be withdrawn. What was the reason for publishing this bill, if it is to be withdrawn in this way? Surely it was not intended that this Council was to accept the bill as submitted by Government and not make any further amendments. I should myself be prepared to go into Committee on this bill because in my opinion the Municipal Ordinance needs amendment in several particulars. We need not make radical changes, but there are minor amendments that might be made at present. A consolidated Municipal Ordinance would be better, but if my learned friend thinks that he has not got the time to attend to material alterations, let us look into minor ones. The question of mortgagees registering their mortgages at the Municipal office might surely be considered in this bill, but if this bill is withdrawn we have no opportunity of doing that and we don't know when a satisfactory bill may be introduced, perhaps never. On these grounds I am opposed to the withdrawal of the bill, and I support the proposal that it be referred to a Sub-Committee. My hon. and learned friend in this bill proposes first of all to repeal the 13th clause of the Municipal Councils Ordinance. Now let us consider the effect of that. If the 13th clause is repealed the Governor cannot declare any other town a municipal town. Now it is very desirable in the opinion of some of us at any rate that large towns such as Jaffna should be created Municipalities. The Government may perhaps find it desirable to create

Municipalities after a few years; but under what clause in that Ordinance is the Governor empowered to create Municipalities if this clause is repealed. Although the Government after due deliberation have introduced this bill it is not so perfect a bill as not to require amendment or consideration in Sub-Committee.

The Hon. the ATTORNEY GENERAL :—My learned friend, sir, is making a mistake. The clause to be repealed is not the 13th of the Ordinance of 1887 but the 13th of the Ordinance 1890.

The Hon. A. DE A. SENEVIRATNE (after looking at the Ordinance)—I read the words section 13 and concluded that they referred to the original Ordinance which according to the preamble was the only one dealt with. I beg your pardon. The remarks therefore with regard to the power of the Governor being withdrawn do not apply. I do not want to enter into the details of this bill.

The Hon. the ATTORNEY-GENERAL :—I would submit with due deference to my learned friend that he could not do that. I have moved to withdraw the bill and that motion must first be settled.

The Hon. A. DE A. SENEVIRATNE :—On that question of order I am perfectly prepared to take Your Excellency's ruling, but at the same time it strikes me that if there is a motion to withdraw a bill, it is quite competent for me and that I should be perfectly in order to enter into the desirability of considering that bill. I do not want to take up the time of the Council because it is getting late, and I should be sorry indeed that a bill of this importance should be considered at this late hour and disposed of so summarily as my hon. friend proposes to do.

The Hon. the AUDITOR-GENERAL :—I beg, sir, to second the motion for the withdrawal of this bill. The only object of the Government in bringing it forward was to meet the wishes not of Colombo Municipality only but the three Municipalities in Ceylon. I think it is plain from the criticism which has been offered on this bill by the hon. the Tamil member—and I think he speaks as representative more or less of a large element in Colombo Municipality—that this bill does not meet the wishes of the Colombo Municipality which is the chief and most important in Ceylon. In these circumstances I think it would not be wise to go further with the bill. It has been suggested that it would be easy to so amend the bill as to introduce a large number of matters which are not within the scope and object of the bill. I should like to draw the attention of the Council to the preamble of the Ordinance which says:—

Whereas it is expedient to amend *in the particulars hereinafter mentioned* the Ordinance No. 7 of 1887, hereinafter referred to as the principal Ordinance, and to establish sanitary regulations in respect of the production and distribution of milk within Municipalities.

That is the scope and object of the bill, and if it is intended to amend the Ordinance of 1887 in other particulars that are outside this scope and object, that intention should be dealt with by quite a separate bill. It is therefore necessary for the members of this Council to make up their minds as to whether the scope and object of this bill is one which commends itself to them. If this bill is not acceptable to the Colombo Municipal Council I think the best thing that can be done is to withdraw the bill.

The Hon. P. COOMARASWAMY :—I think I have been misunderstood, sir. As far as I am concerned I am against the withdrawal of the bill. Some of the remarks made by my hon. friend the Auditor-General seem to me quite inexplicable. He says that because the bill has been introduced you can't add to it anything that the Council wants—anything that refers to the subject matter of this bill. We seek to amend in certain particulars the principal Ordinance, and I would like to know what there is to hinder this Legislative Council from adding other particulars. I would earnestly beg and entreat of Your Excellency not to allow this bill to be withdrawn without some assurance of speedy relief. If it is withdrawn now, I think I may safely prophesy that the matter will not be introduced again probably for the next 10 years, and in the meantime the different Municipalities are to suffer under the provisions that they have been and are suffering under now. I may state that when the Municipal Council of Colombo was reconstituted I was certainly against going into that Council. I was however advised that I should not hamper the hands of Government in this matter but see how the bill worked. We have waited these many years and the Government have done nothing yet. I have worked in the Municipal Council of Colombo for more than 20 years, and I say that if these amendments are not allowed to be proposed at this Council, or if a distinct promise is not given to us that a proper Ordinance will be introduced next year, I for one shall resign my seat at the Municipal Council of Colombo, and I know that there are other members of the present Municipal Council—who will also resign. Speaking for my hon. friend who represents the Sinhalese community I can also assure your Excellency that he will likewise resign his position in the Colombo Municipal Council if what we have asked for is not granted.

The Hon. ABDUL RAHIMAN supported the withdrawal of the bill, and said perhaps the Hon. the Attorney-General if he could not do so during this year might introduce next year a bill that would suit the requirements of the Municipalities.

The Hon. W. W. MITCHELL:—It is to be regretted, sir, that the debate has assumed the acrimonious character that it appears to have assumed during the past few minutes. I cannot help feeling that the attitude of the Government seems to be rather high-handed. I believe it is admitted that the Municipal Councils Ordinance is in need of some amendment. This bill has been prepared and brought forward for the purpose, and the hon. member for the Tamil Community is practically told "If you don't like to take that you will have no bill at all." I think that is hardly the way to treat any portion of the unofficial element of this House. The hon. the Sinhalese member has stated that he wishes some amendments of the proposed Ordinance to be brought forward of a less exacting character than those of the Tamil member, and I think that in all fairness the bill ought to be referred to a Sub-Committee. If I am in order I would move that instead of being withdrawn the bill should be referred to a Sub-Committee of the Council.

The Hon. the TREASURER :—Sir, I equally regret with the hon. member who has just spoken that the debate should have taken the turn it has, because I feel quite sure that after a little consideration hon. members will see that there was no occasion for any warm. This is not a bill for the purpose of amending the whole of the Municipal Councils Ordinance. It is as stated in the Preamble a bill to amend in the particular mentioned Ordinance 7 of 1887, and if the Council passes the motion for the second reading then the bill can only be amended in those particulars or in matters which are closely connected with and form part of the same

principle as those particulars. The amendments which the hon. member has suggested are amendments which are very wide of this Ordinance, as the hon. the Attorney-General said they attack the principle of the original bill and therefore they cannot be accepted as amendments of this bill. This bill if it passes the second reading cannot be amended in the way the hon. member has suggested, and I feel quite sure that it was not the intention of any one to say to hon. members "You must either take this bill or you shan't get anything," but to say that if you pass this motion for the second reading of the bill you must confine your amendments to this bill. If hon. members say that that they cannot agree to this, then it is only reasonable that they should accept the proposal of my hon. friend the Attorney-General to withdraw the bill. If hon. members on the other side are prepared to accept the principles of this bill as set out in the preamble and confine their amendments that they wish discussed, to the scope of this bill I feel quite sure that the hon. the Attorney-General will withdraw his motion. The bill will then go on, and probably, as the hon. member who represents the mercantile community suggested, go into Sub-Committee.

The Hon. A. DE A. SENEVIRATNE:—May I be permitted to ask, sir, whether, if this bill is withdrawn, Government will be prepared to present another bill this session or at any rate in the course of the coming year for the consideration of this Council.

The Hon. the ATTORNEY-GENERAL:—I might ask the hon. member, sir, what class of bill he wishes Government to introduce. Does he mean a bill repealing the Municipal Councils Ordinance and introducing Municipal Government on new lines, or does he mean merely an amending Ordinance continuing the principles of the Municipal Councils Ordinance and amending it?

The Hon. A. DE A. SENEVIRATNE:—I do not want a repealing Ordinance at all, but only an Ordinance to amend the Municipal Councils' Ordinance of 1887.

The Hon. P. COOMARA SWAMY:—In such matters as I mentioned.

The Hon. the ATTORNEY-GENERAL:—These matters go to the principles of the original Ordinance. That is the difficulty the Government are in at present. They are not prepared at the present time to do away with the principles that govern the original Ordinance although they are satisfied that it might be amended in certain particulars.

H. E. the GOVERNOR:—The motion now before the Council is that the bill be withdrawn, but, as observed just now by the Treasurer, I have no doubt that the Attorney-General would not be unwilling to withdraw his motion if the hon. members who have spoken with reference to a bill introducing radical alterations with the original bill of 1887, were to express their readiness to modify those views and to accept the bill as it is now presented to them, subject to any slight alterations or amendments not altogether foreign to the subject with which the bill itself deals.

The Hon. A. DE A. SENEVIRATNE:—I may say for myself, sir, that I shall be prepared to consider the present bill provided it is referred to a Sub-Committee and full consideration given to the amendments to be proposed to the Ordinance of 1887; but if it is intended that at this late hour of the evening we should consider and dispose of the Municipal Bill then I say I would rather that the bill were withdrawn on the understanding that some other bill is proposed as soon as possible next year. I think, too, that if the Government are prepared to bring in a bill, not to make radical changes in the Ordinance of 1887 but only to make such changes as are not opposed to the principle of that Ordinance, I would be prepared to accept such an Ordinance.

H. E. the GOVERNOR:—But you have such an Ordinance now before you.

The Hon. A. DE A. SENEVIRATNE:—Only in certain particulars.

H. E. the LIEUT.-GOVERNOR:—I would ask the hon. member, by way of arriving at a solution of what I think is a misunderstanding, whether they intend to introduce in the Sub-Committee to which this bill should be referred, the proposals which the Government have not felt themselves able to entertain at the present time, It was under the supposition, gathered from the remarks of the hon. the Tamil member, that he intended to introduce into this bill such proposals as the Government felt inclined to reject that the Attorney-General, thinking it was needless therefore to go on with the bill, very naturally proposed to withdraw it. I may be mistaken and I therefore ask the hon. member whether it is his intention or his object in seeking that we should proceed with the bill that he should make the proposals which Government have felt themselves unable to embody in this bill?

The Hon. P. COOMARA SWAMY:—I am very sorry, sir, that the discussion which I started has proved somewhat embarrassing to this Council or some members of this Council. If the bill is sent to a Sub-Committee without any promise that within a reasonable time Government will bring in a bill into which these proposals may be introduced, I shall certainly, for my part, feel bound to try to have the several matters that I have discussed today inserted in this bill, because I do not think that they are opposed to its principle; but if Government can give us some sort of assurance that another bill will soon be brought in, I shall, in that case, not seek to introduce into this bill any of the matters that I have mentioned. I may say that I have spoken in such a manner today because there is a very strong feeling amongst the people that this Ordinance requires amendment, and a strong feeling also that Government are placing the natives of Ceylon behind the Indian people in the matter of self-government without rhyme or reason. That is not the opinion of the natives alone but of men like the hon. member for the European community who has taken part in the proceedings of the Municipal Council.

H. E. the GOVERNOR:—I think I may say that it is quite impossible for the Government at this moment to give any pledge that a bill will be introduced embodying such very important and radical changes as those suggested by the hon. member who represents the Tamil Community.

The Hon. the ATTORNEY-GENERAL:—In reply, before my motion is put to the Council, sir, I may state that the recommendations of the Ceylon National Association were only received by the Colonial Secretary today and the Government have not had the opportunity of considering them, I myself have not had the opportunity of reading them so that I cannot tell to what extent they go—whether they suggest radical changes in the original Ordinance or merely go to the principles of the bill now before Council. In reference to what has fallen from my hon. friend the Sinhalese member with regard to the Chairman of the Municipal Council obtaining leave from the Governor I may state that the Chairman of the Municipal Council called upon me on Monday morning and informed me that

he had no wish to have any alteration made in the Ordinance as far as he was personally concerned and that he had received no recommendations other than those already before Government with regard to the Municipal Councils Bill. I think the best course to pursue is to leave my motion to the Council.

The vote was then taken as follows:—

Ayes (9).	*Noes* (4).
The Hon. Abdul Rahiman	The Hon. P. Coomara Swamy
" the Principal Collector of Customs	" " A. De A. Seneviratne
" Surveyor General	" " W. W. Mitchell
" the Govt. Agent C.P.	" " Dr. Anthonisz
" the " " W.P.	
" the Treasurer	
" the Auditor-General	
" the Attorney-General	
H. E. the Lieut.-Governor	

H. E. the MAJOR-GENERAL had left when the vote was taken.

H. E. the GOVERNOR declared the result as follows:—Ayes 9, Noes 4.

The bill was accordingly withdrawn.

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

RESIDENCE FOR ASSISTANT AGENT AT KALUTARA.

On the motion of H. E. the LIEUT.-GOVERNOR, the item "Residence for Assistant Agent, Kalutara R15,000," was deleted from the Supply Bill in accordance with the recommendation of the Sub-Committee that it be postponed in view of other demands on the ways and means of the year.

THE COLONIAL STORE.

H. E. the LIEUT.-GOVERNOR moved the insertion of the following item in accordance with the recommendation of the Sub-Committee:—R1,800 for a shed for storing, inspecting and marking furniture supplied to the Public Departments. Agreed.

IMMIGRANT COOLY LINES.

H. E. the LIEUT.-GOVERNOR, on the vote for the Dharma lines at Aluwihara (R3,000) being reached moved that the item should be increased to R4,124, explaining that the object of the increase was to enable provision to be made for quarters for the medical officer. He could say from personal observation that the medical officer's residence at present was a miserable shanty. The alternative to not giving him that house was that he must reside two or three miles away from the point where it was wished a vigilant watch should be kept over the coolies coming into that part.

COOLY LINES FOR GRANT-IN-AID ROADS.

H. E. the LIEUT.-GOVERNOR moved the insertion of two new items:—"Cooly lines for Grant-in-Aid roads to Upcot (Government moiety), R600"; and "cooly lines for Grant-in-Aid roads to Luccombe (Government moiety), R300"; explaining that this was really only a transfer from one provincial account to another.

The Hon. the GOVERNMENT AGENT, C. P., pointed out that the description of the roads was hardly correct and that they should be "cooly lines for branch road Norwood to Upcot (Government moiety)" and "cooly lines for branch road Brownlow to Luccombe (Government moiety)."

These alterations were duly made and the vote passed.

TRINCOMALEE HARBOUR.

H. E the LIEUT.-GOVERNOR next asked permission of the Council to move the insertion of an item of R1,200 for further work on the Nachikuli canal in Trincomalee Harbour. It was a work that had been going on for some time, and was recommended by the present Government Agent of the Western Province when he was Government Agent of the Eastern Province, in order to enable the boats to have a quicker and easier passage to the coasting boats, and to save them going round the promontory, where the sea was very rough and where at times it was hardly safe. For the last two years they had spent money on this; and the Director of Public Works now found that a further sum of R1,200 was necessary to make the canal really navigable and to meet the purpose which the promoters of it had in view.

Agreed.

THE MARAWILA COURTHOUSE.

On the motion of H.E. the LIEUT.-GOVERNOR it was agreed to insert in the North-Central Province an item of R670 for "completing the court house at Marawila"; H.E. explaining that this was really a provision for the cost of the site which was omitted last year.

COOLY LINES ON THE BADULLA-BATTICALOA ROAD.

On the motion of H.E. the LIEUT.-GOVERNOR the vote for permanent cooly lines near the 13th mile Badulla-Batticaloa road was reduced by R900—namely, from R3,000 to R2,100.

PREMISES FOR THE DISTRICT ENGINEER, RATNAPURA.

In accordance with the recommendation of the Sub-Committee the vote of R13,148 for house, office, store, and workshops for the District Engineer at Ratnapura was omitted, on the motion of H.E. the LIEUT.-GOVERNOR, in view of the recent liberal provision for a new residence at Ratnapura for the District Judge and of that now occupied by that officer being available for other purposes.

STABLES AND CARRIAGES AT THE SUPREME COURT.

H.E. the LIEUT.-GOVERNOR, in pursuance of the recommendation of the Sub-Committee, moved that the vote of R7,864 for stables and carriage sheds at the Supreme Court should be reduced to R3,000.

Agreed.

The Hon. P. COOMARA SWAMY at a later stage said that the item ought to be "Stables and carriage sheds for the Attorney-General's Department," because otherwise there was nothing to prevent the stable being used by others than those for whom they were intended. The Supreme Court Judges had already got stables; but if the wording were allowed to remain as it was now, there was nothing to prevent the Judges for instance using the Attorney-General's stables also.

The Hon. the ATTORNEY-GENERAL raising an objection the alteration was made.

RECORD ROOM AT NUWARA ELIYA.

H. E. the LIEUT.-GOVERNOR moved that the vote for the record-room at Nuwara Eliya Kachcheri should be reduced from R3,000 to R1,035 stating that since the estimate had been made the Director of Public Works had made a plan by which the work could be carried out at much less cost.

OTHER REDUCTIONS.

The vote for "improvements to Forester's house at Anuradhapura" was reduced from R2,725 to R1,925; and the item of R490 for "quarters for chief surveyor's clerk and draughtsman at Anuradhapura" was omitted, on the motion of H. E, the Lieut.-Governor. The following items were also omitted—repairs to sub-collectors quarters, Kayts, R1,440 and repairs of sub-collector's quarters, Point Pedro, R2,340, the D. P. W. having found that both could wait another year.

THE CHATHAM-STREET—CUSTOMS ROAD.

H. E. the LIEUT.-GOVERNOR on "new roads" being reached, said:—Sir, I shall here move the insertion of a new item in order to take the sense of the Council on the question whether the proposed road from Chatham Street to the Customs premises should be constructed. Hon. members will observe from the report of the Sub-Committee that there was a division of opinion in Committee as to whether or not it should be done. I think, sir, that the opposition of hon. members, of whom I am sorry that one who had taken part in that discussion, is absent today, proceeded partly on insufficient information in regard to the work. This, sir—is a road which the Government have been urged to make for some time by the Chamber of Commerce, and I thought myself, until very lately, by the majority of the community, in order to give access to the Customs and to the breakwater on the western side, and also to give relief to the traffic in the Customs yard by permitting carts to pass in one way and out another, and so that there would be no traffic going in opposite directions. I think, sir, that the circumstances of the road are so well-known to hon. members that they will be able to form their own opinions without any further explanation from me. I can only repeat that the desire of the Government was to afford accommodation and relief which it was thought was very generally, indeed almost unanimously, desired. The amount of the estimate proposed seemed rather high. The Sub-Committee had the advantage at their meetings of the assistance of the Director of Public Works; and I think he satisfied members that a road of that character would necessarily be a costly one. The road was to cost R81,500, and the amount which I now ask the Council to permit the insertion of in the Supply Bill is R40,000 on account of this year.

The Hon. Mr. W. W. MITCHELL:—Sir, I should be very glad if the Council will agree to the execution of this work, and to the insertion of the vote which has been moved by the Colonial Secretary. The road was originally proposed by the Collector of Customs as a road which would undoubtedly afford a great deal of relief to the traffic to and from the Wharf. It has been approved by Your Excellency: the making of it has been urged by the Chamber of Commerce and by the mercantile community from time to time; and it has been recommended strongly by the Harbour Board, who at one of their meetings recently passed a resolution strongly urging upon Government to take in hand the making of this road forthwith, as it undoubtedly would make it much easier for the authorities to regulate the traffic, inasmuch as a great deal of it would enter by this new road, whilst the egress would be by the road leading from Leyden Bastion and everyone will easily understand that, if traffic goes in one direction and leaves it by another, there is much less likelihood of the blocks which are so frequently complained of. With respect to the estimate, the Director of Public Works a few days ago, at a meeting of the Harbour Board, signified that he had been able to reduce his estimate to R66,000, and if that is the case it is of course very much in favor of the proposal being acceded to. The Director went further, and said it could be further reduced still by omitting the retaining walls and having embankments instead. That, however, is a matter of detail which might be left for further consideration; but if the retaining walls were omitted it certainly seems likely that the amount asked for on account would go a long way towards covering the entire cost of the road. I hope the members of Council, especially those who opposed the vote in Sub-Committee will, on receiving this further information, see their way to support it.

The Hon. A. De A. SENEVIRATNE:—Sir, my objection in Sub-Committee to this vote was made because the scheme for the improvements in the Customs and Harbour was not yet fully matured and that perhaps, when the engineer came here and looked about him, it might be found that the road would not answer the purposes which are now intended by it. It might even be found necessary to remove the road. It might, instead of being a road to the Customs, be found to be an obstruction. As regards the necessity for the road, that necessity arose from the fact that the unloading of goods always takes place at the same place. If the Government were to decide to erect sheds, say for rice further to the north—somewhere near Sea Street—a great deal of the traffic that now disturbs the Fort roads would be diverted to the northern part of the town. An objection has been made, also, that carts passing up the road close by, disturb the deliberations of this Council; but the Council does not sit every day in the week, nor every week in the year. It is very seldom that its deliberations can be disturbed in this way; and I do not think that the traffic along that road is so very great that an interruption of it for a day in a week is of very great consequence. Then, again, the traffic does not pass across the Fort. Most of the carts seem to go quite the other way. As far as my experience goes even the carts that come up this way turn round by the Post Office to the left, and it is very seldom that they go towards Kollupitiya. Most of the disturbance created by carts is not in consequence of loaded carts, but empty carts with loose planks being taken along by trotting bulls. The prevention of that lies in the hands of the police. If the police would only take care that bulls are not driven so fast I think there would be less disturbance in the offices. Then, again, if we are to relieve this street of the traffic and send it by Chatham Street, what will the people of Chatham Street have to say as to the quantity of extra traffic thrown on the road? The road will then require a great deal of repair, because it will have a great deal of cart traffic thrown on it and I think the people of Chatham Street will have a great deal to say against such procedure. There is also this much to say in favour of postponing this matter for a short while. It is only a short while that I ask for, and it is not that I am opposed to this road. It may be found perhaps when the engineer comes that this road is of very great importance and then will be the time to construct it. My hon. friend has already observed that the Director of Public Works, after the estimate, was sent in, was actually able in a couple of weeks to reduce it by R21,000. If we wait a few months more perhaps he may reduce it by R21,000 more; so that everything seems to be in favour of putting it off a little while. But the chief ground upon which I urge this matter should be put off is that

we shall be better able to judge at the end of the year whether this road is so great a necessity as it is considered by some people to be at present. Further it has been urged by the Chamber of Commerce that rice stores should be erected further north toward Sea-Street, and if the rice is landed there, I think we shall have less reason to complain of the disturbance caused in the public offices by the great traffic in the Fort.

The Hon. P. COOMARA SWAMY:—Sir, I agree with my hon. friend who has just sat down, and I am only sorry that the planting member is not present, because he was one of those who objected in Sub-Committee to this item. Besides, if some of the newspapers are to be believed, I think that the merchants themselves are not unanimous—some want it and some do not. On that ground I think it would be better to postpone the matter till next year when we shall be better able to decide one way or another.

The Hon. P. D. ANTHONISZ.—I wish to say only one word, sir. I think Chatham Street is very crowded already, and it will be worse if more carts have to pass along that way. I think if we postpone the vote to next year we will be better able to judge whether the road is absolutely necessary or not.

The Hon. the TREASURER,—Sir, as I gave my vote in the Sub-Committee against this proposal, I think it only right to state the reasons which led me to do so, and which have only been partially removed by what I have heard today. I agree with the hon. members who say that when the proposed arrangements regarding the new harbour are carried out, and the new rice stores erected, the landing of rice, and indeed most of the native loading and unloading, will take place near Bankshall, where all the rice godowns are. The bulk of the traffic will then be to the north of the present Customs house, and very little traffic will require to go through the Fort. I think that is a thing to be encouraged rather than otherwise. To encourage the traffic to keep out of the Fort is a desirable thing, and I am of opinion that when this road is opened we shall find that, although it may be of some use, for a year or so, after that it will be of very little use, for the traffic will have been diverted northward. That is my impression. If, however, it can be shewn that this road, instead of being, as it appeared to us in Committee, to be the most expensive road that had ever been constructed in this Colony, should turn out to be one that can be cheaply constructed, and the Director of Public Works will certify this and the Colonial Secretary is of opinion that the land on Galle Buck will be very much improved by the construction of this road, and that it will be a convenience irrespective of the mere temporary carrying of traffic, then I shall withdraw my objections to the vote; but if it is only to be a very expensive work and to be of use for only a year or so, then I am inclined to agree with the hon. members opposite that it would be well to wait before incurring this expenditure.

THE Hon. the PRINCIPAL COLLECTOR OF CUSTOMS;—Sir, I am very much concerned in this case. When I took charge of the Customs Department last year, I saw that a great many things about the Customs had been overlooked in the way of preparation for future business, and I thought it necessary, very shortly after I took charge, to represent to Government what I considered would be necessary to meet the future development of the trade—at least to the close of the present century. I may say that I have now considerable experience of the Customs, and thinking it extremely unlikely that the business of Colombo would be diverted from the present Customs premises in any other direction, I represented the need for warehouses which have been provided. These Customs premises are very extensive and of great value and will always be of great importance and use; and I do not expect that other warehouses in the harbour will be substituted for them. In one of the first recommendations that I felt it necessary to lay before you, sir, I mentioned in particular this road. I am certain that in the development of business generally in Colombo, this road will be of immense service. I intended it principally for the convenience of carts entering the Customs, so the blocks we hear so much of may very seldom occur; and as regards the expense, there need not be much hesitation about that, if you will remember that at the Customs here we get in the course of one month three or four hundred thousand rupees. Just think that if one month's income were voted what we could do for the harbour and everything connected with it. I do not think the work will be so expensive as was thought. It was alarming at first, but time, as it does in so many other things, has toned it down, and the last estimate I understand is R66,000. If we use embankments this may be further considerably reduced, and very likely the whole may be completed for pretty nearly the amount of the present vote. The first time I heard of any opposition to this was at the meeting of the Committee; and it is entirely new to me. When I submitted the matter to Your Excellency you were good enough to express your approval of it, and every member of the Harbour Board and everyone with whom I have had any conversation without any hesitation agreed to it, and I hope the vote will be passed today.

The Hon. ABDUL RAHIMAN was in favour of the new road. It could not be denied, he said, that our imports and exports were fourfold and we had only one road as an outlet to the Fort or the Pettah. The land in question could be converted into a very fine street and the most of the goods that came from the railway, tea and many other things, could be taken by this road. Having the rice stores in the direction of Bankshall would only relieve the native part of the business, and not the other traffic such as he had mentioned.

H. E. the LIEUT. then formally moved that R40,000 be voted on account of the new road from Chatham Street to the Customs.

A divison then took place with following result:—

Ayes (10).	*Noes* (4).
The Hon. Abdul Rahiman	The Hon. P. Coomara Swamy
Do W. W. Mitchell	Do A. De A. Seneviratne
Do the Principal Collector of Customs	Do P. D. Dr. Anthonisz.
Do the Surveyor-General	Do the Treasurer
Do the Govt. Agent, C.P.	
Do the Govt. Agent, W.P.	
Do the Audt.-General	
Do the Attorney-General	
H. E. the Major-Genl.	
Do Lt. Governor	

H. E. the GOVERNOR then declared the vote carried by ten votes to four.

ANOTHER FORT ROAD.

H. E. the LIEUT.-GOVERNOR begged to move the addition of another item which was also for the improvement of Colombo—namely, R2,350 to "construct a road through the blocks of Fort land

which the Government is now offering for sale." Agreed.

THE DAMBULLA AND TRINCOMALEE ROAD.

H. E. the LIEUT.-GOVERNOR moved that the item of R5,000 for the metalling of Dambulla and Trincomalee road should be increased to R10,000. During the course of this year the Director of Public Works represented that this road had fallen into a rather low condition, but the proposal to put a large sum in the estimates was then negatived, as it seemed that the funds would not be sufficient to allow of such liberality. Since then, there had been a considerable rainfall at the Trincomale end of that road and the road had doubtless fallen into a very much worse condition. Complaints had been made to the Governor of the bad state of the road, and he was sure they would all be willing that the communication in this important part of the colony should be kept in a good state. He moved that the item should be increased from R5,000 to R10,000.

CENTRAL ROAD NEAR KEKIRAWA.

A proposal of R1,500 for improving a further section of the Central Road near Kekirawa was deleted.

THE KARAWANELLA-GLENALLA ROAD.

H. E. the LIEUT.-GOVERNOR moved the insertion of R5,000 for further improvements on the Karawanella-Glennalla road in the province of Sabaragamuwa. Agreed.

GIANT'S TANK.

On the motion of H. E. the LIEUT.-GOVERNOR the proposed vote of R40,000 on account of the minor scheme for restoration of the Giant's Tank was omitted.

THE GALLE ROAD.

On the motion of H. E. the LIEUT.-GOVERNOR, the item of R2,900 for culverts on the Galle road was omitted, as it had already been provided for.

BRIDGING THE MUNAMALWATTE OYA.

The Hon. A. De A. SENEVIRATNE :—Sir, I wish to call the attention of the Council to one of the paragraphs in the report of the Sub-Committee, in which they desire the consideration by Government of provision, if funds should be available, for a bridge over the Munamalwatte-oya on the Alutgama-Palligoda road. This is six miles away from the Alutgama railway station, and it is a road used very largely by people dealing in plumbago. The trade in plumbago fell off a little in the course of this year; but it is sure to revive, and in fact it has already given signs of reviving. Considering the short distance from the railway station, some members thought it desirable that the present ferry should give place to a bridge across the Munamalwatte-oya, and therefore the Sub-Committee pressed upon the Government the desirability of erecting this bridge. I should like to know if the Government has quite decided upon not giving the bridge, as His Excellency has not caused a vote to be inserted on account of it.

H. E. the LIEUT.-GOVERNOR :—I have not at all lost sight or disregarded the observations made by the hon. member in Sub-Committee. I called for any papers that there might be in my office about the bridge; but up to this time I have received none, and I argue from that that the necessity for this bridge cannot be so great as it has been represented to be. I state that as the result of my enquiry so far. It is true the Government Agent put it down in the list of works for next year, but it was allowed to give place to other works of the necessity of which I have some knowledge, and from that knowledge I measure, not unreasonably I think, the small importance of this bridge. As I said to the hon. member, as soon as Government got any information about this bridge they will be in a position to consider it and see whether they can assist those using the bridge.

The Hon. A. De A. SENEVIRATNE :—I do not know what information is desired as the Hon. the Government Agent in the papers he submitted showed what the cost of the bridge would be. I do not know what further information is necessary, and I think it is for the Government to obtain the information from the Engineers concerned. It is impossible for the unofficials to give any further information.

H. E. the LIEUT.-GOVERNOR :—I never meant that the hon. member should furnish the information. I am in search of the information still, but having no information on the subject in my office I concluded it is not a work that has been strongly represented or that is of very great urgency. It is true that the Government Agent put it down on his list, but I would wish Government Agents and members of Council to understand that the Government do not always provide everything that a Government Agent puts down, in his annual list. I shall be very happy, however, to receive from the hon. member all the information he can give. As I said, I have no information beyond the fact that the bridge appeared in the Government Agent's list of requirements. I do not for one moment say whether it is important or not, but I think the hon. member will admit that Government were justified in not putting it down in the estimates and asking the Council to pass it merely because it was placed on the Government Agent's list of requirements. I do not wish to prejudice the proposal in any way whatever and when information comes before the Governor it will receive consideration.

The matter then dropped.

NEW BRIDGES.

H. E. the LIEUT.-GOVERNOR next proposed the insertion of a new item, namely R2,274 for two bridges on one of the main roads leading to Puttalam. Their renewal was desired in connection with some improved sanitation in connection with the town of Puttalam, and the Government thought that the local authority should certainly be encouraged in the good work of improving the sanitation of the town. The amount was not a large one and he thought the Council would agree to it.

BRIDGES IN THE N.-C. PROVINCE.

On the motion of His Excellency the LIEUT.-GOVERNOR the item of R5,000 for converting small wooden bridges into buckle-plate bridges on the Central Road was reduced to R444. His Excellency explained that this was an annual vote, but the Director of Public Works estimated that the small sum of R444 would meet all that now remained to be done.

HORTON PLAINS TO AMBAWELA.

An item of R600, being the Government grant for maintenance of the bridle path from Horton Plains to Ambawela, was struck out of the estimates.

PASSARA.

In connection with a vote of R300 for a survey of the cart road from Tonacombe Gap to Passara, His Excellency the Lieut.-Governor stated that a survey had been ordered and would be prosecuted in the

current year, but it would be paid out of the current vote for surveys.

COMPLETION OF THE COMMITTEE STAGE.

H. E. the LIEUT.-GOVERNOR then moved that the figures in clause 1 of the bill be amended in accordance with the alterations now made in Committee. It was not possible to state at the moment what the gross amount was. That was a matter of addition which would be duly attended to Thereafter he moved that the Council do resume,

Council having resumed H. E. the LIEUT.-GOVERNOR reported the bill as having passed Committee and on his motion it was referred to the Law Officers of the Crown for their report.

SUPPLEMENTARY SUPPLY BILL, 1893.

On the motion of H. E. the LIEUT.-GOVERNOR, Council resolved itself into at Commitee of the whole house to consider "An ordinance for making provision for the supplementary contingent charges for the year 1893."

THE GOVERNMENT PRINTING OFFICE.

H. E. LIEUT.-GOVERNOR :—Sir, I would ask the Council to further increase the sum for the Government Printer who has represented to me that unless an additional sum is placed at his disposal the supply of forms will be very much delayed. He showed me certainly a most formidable statement of arrears of forms on the first of this month. I am satisfied that this Department is conducted with great economy and that the sum would not be asked for unless it was really necessary. The number of forms is increasing now in a very formidable manner. Every ordinance, every enquiry, every regulation that is passed entails new forms. I move that this item of other charges R12,300 be carried out at R14,800.

Agreed.

COMMISSION TO HEADMEN.

Under Provincial Administration,

H. E. the LIEUT.-GOVERNOR said :—I would move that the item of other charges be increased by R1,000 to provide for the commission of 5 per cent payable to the headmen who collect the Government rents in the Western Province which amount to a sum of R20,000.

Agreed.

THE HARBOUR STEAMERS.

On the motion of H. E. the LIEUT.-GOVERNOR the provision of R3,725 for placing the two harbour steamers on the slip was struck out, as that will now be a charge on the harbour improvements loan.

DISTRICT COURT, RATNAPURA.

The item for transport for the District Court of Ratnapura was reduced by R100.

SANCTIONING EXPENDITURE ALREADY INCURRED.

The Hon. A. De A. SENEVIRATNE :—Sir, I have not been able to understand the object of going over all these items. I understand that all this expenditure has been already incurred, and whether the Council like it or not the money will have to be paid—for, if the Council object who is to pay it? Since the session is perpetual, so to speak—lasting from one year's end to the other—could not some provision be made in time to obtain the sanction of the Council to the various items of expenditure, before the expenditure is actually incurred? I can quite understand that with regard to some items it is almost impossible to make provision in time, but still I should say with regard to such a very large amount as this (R4,410 for police) the Council might have been consulted in time, so that it might have been allowed the opportunity of stating any objection it may have had. But after the expenditure has been incurred to come here and go through this form really appears to me unnecessary. If it is the intention to go through all these items, then I say that the proper course would have been that the Council should have asked to sanction it in time. It is too late now for us to object. But I rise to ask more especially what the personal emolumnents of the Inspector-General of Police are in the item just read (R2,000). Is it any additional expenditure incurred by the employment of men recently or how do these personal emoluents come about?

H. E. the LIEUT.-GOVERNOR :—On the general question of which the hon. member has spoken I may repeat what I undeavoured to show when introducing the measure that it is inevitable that occasionally expenditure will arise during the currency of a year for objects which were quite unforeseen and which are urgent, and I am sure that the Council would not like the public interests to suffer by the postponement of expenditure which was really urgent and will not find fault with the Government for assuming the responsiblity of incurring expenditure in anticipation of the formal sanction of Council. The hon. member asks what is the good of coming here? The good, sir, is that the hon. member can make any enquiry about any item he wishes and if he is satisfied that it was not unforeseen and not urgent he could bring the Government to account for it. I may perhaps illustrate this by referring to the bridge which the hon. member represents to be an urgent necessity. If I can with any assistance that the hon. member can give me, ascertain the facts about the bridge and the necessity for it and the Government are able to admit that it is an urgent work it may possibly be provided for in the supplementary estimates next year. Then, at this time next year, the hon. member will be called on formally to approve of the expenditure which had already been incurred. In that case I presume the hon. member would not blame the Government. I should have been very pleased in Sub-Committee to have gone into the details of every item, and I think I should have been in a position to show that the two qualities of being unforeseen and urgent were present in the case of each item. The hon. member has referred to the vote for the police. I have not all the papers by me, I had them in Sub-Committee and if the question had been raised there I could have given details which I cannot do now from memory. With regard to the personal emoluments if the hon. member will turn to the details of the estimates he will find that it is for one Chief Inspector; and if I wanted to shelter myself I should refer the hon. member to the vote we passed in Sub-Committee on the Supplementary Bill of last year for this particular officer. It is necessary to provide it again this year in the supplementary estimates, because it was omited from the estimates of 1893. There has been a change in the establishment. An Assistant Superintendent was withdrawn from Kandy, and a Superintendent of the first class was sent up there in lieu of him. His place was afterwards filled up in Colombo. Arms and accoutrements have also been provided for in the list, but the precise necessity for the provision I cannot remember at the moment. I am sorry that I have now to ask the Council to increase the item of other charges by R2,000. I think this is perhaps the effect of splitting up the provinces. What was sufficient for all the provinces in their collective administration under the Inspector General naturally becomes insufficient when it is split up in nine

different portions and administered by nine different officers. R720 is for the Southern Province and R400 for the provisioning of prisoners in the Eastern Province in consequence of an arrangement under which the jail at Trincomalee is carried on under the charge of the police. There is one item about which I have doubt myself and enquiry is being prosecuted, and that is the provision of R400 for travelling allowance to police officers. If the expenditure is found not to be necessary it will not be spent, but in case it is necessary it is more in order that it should be provided now than made a charge on the Supplementary Supply Bill.

EARLY SESSIONS WANTED.

The Hon. A. DE A. SENEVIRATNE :—I may mention that it is not for my personal satisfaction that I wish to elicit the views of His Excellency the Lieut.-Governor, but that the public may have the information and be able to form an opinion as to the way in which business is done. Not that I did not inquire in Sub-Committee regarding this very item. I have a recollection of asking particulars and receiving an answer with which I was satisfied, and I only hope the public will be equally satisfied with the explanation the Lieut.-Governor has given. At the same time, reference has been made to the increase caused by transferring certain police duties to the Government Agents. That only illustrates what some members of the Council have attempted to represent to the Government—that the expenditure has been increased rather than lessened by the new arrangements regarding the police. I should also like to add what I had forgotten to mention before—that is the desirability of having sessions early in the year, instead of the practice of closing the session for Christmas and not meeting again till September. I think the Council will find it very useful if their adjourned sittings began early in the year and closed in March or so. There will be a period of six months in which we may hope to get all the information necessary. I may mention only one instance. The Ordinance provides that Irrigation apportionments should be placed on the table of the Legislative Council at the first sitting after the 1st of January. The first sitting after 1st January is not till October, and those Irrigation apportionments for 1893 were not seen by the members of Council till the end of October. That only shows how necessary it is that there should be sittings early in the year, and I hope Government will consider the matter.

The Hon. W. W. MITCHELL :—I would like, sir, to support what the hon. the Sinhalese member had said in respect of the sitting of Council. In times gone by the sessions were formally closed in the early part of the year and there was no meeting until about September unless occasion arose to call the Council together. I think it would be very much better if the Council Sessions were closed in February or March perhaps, and when occasion arises for any particular vote or special business the Council can always be summoned. This continually being in session without sitting has no advantage at all. It seems to me that it only delays the issue of sessional papers, and I think I am right in saying that the sessional papers of last year have not been issued yet probably owing to the extension of the session of last year.

H. E. the LIEUT.-GOVERNOR :—That is in the form of volumes.

The Hon. W. W. MITCHELL :—The single papers have been received, but they are much more useful in volume form.

THE DEATH RATE IN JAILS.

The Hon. A. DE A. SENEVIRATNE :—I wish to ask, although I do not know that His Excellency the Lieut.-Governor will be able to give me the information at this moment, whether recently, within the last few months the death rate in the jails of Colombo has increased—whether the Government have received any information on the subject.

H. E. the LIEUT.-GOVERNOR :—I cannot give the hon. member any precise information except the general statement that the mortality rate had increased and again decreased. I saw a reference in the public papers to an epidemic that had appeared amongst the officers and prisoners at Bankshall, but I have not received any information regarding it, and I do not apprehend that it is anything of a serious character, otherwise it would have been specialy reported.

THE TECHNICAL INSTITUTE.

H. E. the LIEUT.-GOVERNOR next moved that the item for education be increased by R890, being the amount of rent paid for the premises occupied as the Technical Institute. When the estimate was first made the question was whether we should acquire the premises or not, and the Superintendent is certainly to be excused for omitting from the estimate the item of rent. The San Sebastian premises have been acquired by Government, and the provision made in the supplementary estimates is one of those urgent unforeseen expenditures which I am sure no member would wish us to postpone or delay. The premises have been acquired at a very moderate price I think. One half of the ground is used by the Technical School and the other half will afford relief to Government in other directions, especially in connection with railway stores and possibly extension of the railway terminus accommodation. Agreed.

THE DISTRESSED NATIVES.

H. E. the LIEUT.-GOVERNOR on the item for miscellaneous services being reached moved a vote of R539·50 being cost of the repatriation of five distressed natives—Sinhalese, who were taken by some performer to Belgium and left there. They were forwarded to England and arrived there destitute, and were thence shipped to Ceylon by the Agents of a charitable home in London, the expense being the amount of the vote.

Agreed.

THE MALIGAKANDA RESERVOIR.

H. E. the LIEUT.-GOVERNOR moved a vote of R710·92 for additional tie rods for the Maligakande service Reservoir.

Agreed.

WASTE OF WATER.

The Hon. A. DE A. SENEVIRATNE :—I wish to ask whether any information has reached Government regarding the waste of water by people who have taken water into their gardens, within their premises. The use of water from the pipes in the public streets is very much limited now, and it is found that men, women and children have to wait a very long time at the pipes before they can get sufficient water for their household purposes. This may be due to a certain extent to a waste of water by those who have taken water into their premises and, if I am informed rightly, unnecessarily let out a great deal of it during the night especially. I have heard that in Sea Street, Chetty Street and other crowded places, people living in the houses actually let the water into their compounds to wash out the filth which accumulates during the night. It would be desirable if some restriction were imposed to prevent the

waste of water and then perhaps the supply in the streets might not be so limited.

H. E. the LIEUT-GOVERNOR:—I may say that the wastage has received a good deal of attention from time to time from Government and the Waterworks Engineer, and if I may judge from the complaints that are made respecting him from time to time, the Waterworks Engineer is vigilant in endeavouring to stop that waste. Whether the practice referred to by the hon. the Sinhalese member has come to the notice of the Engineer I am not in a position to say, but I am obliged to the hon. member for calling attention to it. I will see that the attention of the Waterworks Engineer is directed to it. It is an abuse of which I myself was not aware.

LUNUMIDDELLA WOOD.

The HON. A. DE A. SENEVIRATNE.—I should be very much obliged if I can get information whether the Conservator of Forests or other officer of the Forest Department keeps an account of the Lunumiddella trees felled. If I am informed rightly there is a large quantity of these logs exported every year. I communicated with the Principal Collector of Customs, and he was good enough to let me know what quantity was exported every year, but it struck me that a large quantity was exported under another name—not as Lunumiddella but as *katamarangs*—a number of logs tied together and taken away to India. Now, if a large quantity is exported in that way, I think it would be desirable to consider whether a revenue might not be derived by an export duty levied on these logs which will also have the effect of protecting a kind of wood which is required here for a variety of purposes by the people. I do not know whether I can get the information just yet, but I would like to know whether accounts are kept of the quantity of this timber felled in Crown land.

H. E. the LIEUT.-GOVERNOR:—The subject has been brought to the notice of the Government. It was represented that logs of this timber were carried away by individual fishermen who visit these shores, and I presume that they do not always come under the cognisance of the Collector of Customs. The matter was brought before the Conservator of Forests, but at the present moment I do not remember the precautions he proposes to take. He did give the subject consideration, I think he advocated the replanting or extension of planting of lunumidella. I do not suppose that if we have a sufficiency of it you would wish to restrict the export of it any more than of coconuts or any other product.

RAILWAY MATTERS.

H. E. the LIEUT.-GOVERNOR moved a vote of R290 and R900 for the railway. The smaller item was to enable arrangements being made for organising something in the shape of a modest Fire Brigade amongst the Railway officers and the other item was to engage some special officers for the verification of railway stores. It was customary to engage pensioners for this work officers of character, experience and reliability; but the normal provision was found to be insufficient.

The Hon. P. COOMARA SWAMY:—I do not know whether the attention of Government has been called to the state of the 3rd class carriages at nights. They are long carriages, and yet the other night when travelling on the seaside line I saw that they were provided with only one light at one end, which left more than two-thirds of the carriage full of men and women in utter darkness. I am certain the attention of Government has not been called to the matter, otherwise the poor third-class passengers would have received greater consideration.

H. E. the LIEUT.-GOVERNOR:—I have no doubt that if there was any difficiency of light on the occasion referred to it was owing to some omission. I am sure there is no other mode of lighting third class carriages than that in the first class. The circumstance mentioned by the hon. the Tamil member may be accounted for by the lamp having gone out.

The Hon. P. COOMARA SWAMY:—You will pardon me, but I have observed the same thing again and again when travelling on the Kandy line. It is not an occurrence that takes places only once in a while. I believe that if Your Excellency will only get somebody to examine the carriages in the evening whether on the trains from here to Kandy or from here to Kalutara the same thing will be found.

H. E. the LIEUT.-GOVERNOR:—I will have some enquiry made.

QUEEN'S HOUSE.

On the motion of H. E. the LIEUT.-GOVERNOR a vote of R312 was passed for certain repairs to Queen's House.

SUPREME COURT CHAMBERS.

On the motion of H. E. the LIEUT.-GOVERNOR a vote of R900 was passed for certain additions and improvements to the Judges' Chambers at the Supreme Court.

CONVERTING WARDS INTO CELLS.

H. E. the LIEUT.-GOVERNOR moved the insertion of a vote of R625 for the conversion of associated wards into cells in Jaffna.—Agreed.

COMPENSATION FOR ACQUIRED LAND.

H. E. the LIEUT.-GOVERNOR moved a vote of R965 as compensation for lands acquired for quarries in the Matara District. Agreed.

DAMAGE TO CULTIVATION.

On the motion of H. E. the LIEUT.-GOVERNOR R60 was voted as additional provision on account of damage done to cultivation adjoining Laymas cart road in Uva.

H. E. the LIEUT.-GOVERNOR then moved that the figures in the first clause be altered in accordance with the amendments made in Committee, and this having been agreed to, Council resumed when the bill was referred to the Law Officers of the Crown for report.

CEMETERIES WITHIN MUNICIPAL LIMITS.

The Hon. the GOVERNMENT AGENT, W. P., said that in consequence of his having to proceed to Negombo and Kalutara during the week he was not ready with the report of the Sub-Committee appointed to sit on "An Ordinance to vest the control of General Cemeteries situated within Municipal limits in the Municipal Council" and so he begged that the consideration of it in Committee be allowed to stand over. Agreed.

THE VILLAGE COMMUNITIES' ORDINANCE.

H. E. the LIEUT.-GOVERNOR moved the second reading of "An Ordinance to amend the village Committees' Ordinance."

The Hon. A. DE A. SENEVIRATNE:—I have much pleasure in seconding this motion. Some time ago when Your Excellency was away in England, I received a petition for presentation to the Legislative Council, largely signed by people living in Sabaragamuwa. The complaint was that the people living in Ratnapure had to pay the road and other taxes under the Local Board as well as under the Village Communities Ordinance. That appeared to be entirely due to the fact that Your Excellency had not the power to limit the jurisdiction of the village committees.

The present bill will remove that difficulty, and I have no doubt that Your Excellency will consider the desirability of restricting the Village Community rules to the villages and not allowing them to apply to the towns as has been the case in Ratnapura hitherto. In one part of their memorial the petitioners stated that although a certain road was six miles away from town yet they were expected to contribute towards the maintenance of that road, and further that these village rules were made by the villagers meeting a considerable distance away from the town and that no notice was given to the town residents that there was to be such a meeting.

The second reading was passed and the bill then put through the Committee stage.

On Council resuming H. E. the Lieut.-Governor reported the bill as having passed the Committee, and on his motion the bill was referred to the Law Officers of the Crown for their report.

ADJOURNMENT.

On the motion of H. E. the LIEUT.-GOVERNOR, Council adjourned till Wednesday next at 2-30 p.m.

WEDNESDAY, DECEMBER 13th, 1893.

Present :—His Excellency Sir Arthur Havelock, President. Sir E. Noel Walker, Lieut.-Governor; H. E Major-General Clive Justice, Officer Commanding the Forces; the Hons. J. A. Swettenham, Auditor-General; F. R. Saunders, Treasurer; C. P. Layard, Attorney-General; E. Elliott, Acting Government Agent, W. P.; P. A. Templer, Government Agent, C. P.; R. Reid, Principal Collector of Customs; D. G. Mantell, Acting Surveyor-General; W. W. Mitchell, Mercantile representative; Dr. Anthonisz, Burgher representative; A. de A. Seneviratne, Lowcountry Sinhalese representative; T. B. Panabokke, Kandyan representative; L. H. Kelly, Planting representative; M. C. Abdul Rahiman, Muhammadan representative; P. Coomara Swamy, Tamil representative.

Absentee :—The Hon. J. J. Grinlinton, General European representative.

ASSENT TO ORDINANCES.

H. E. the LIEUT.-GOVERNOR :—I have to announce that His Excellency the Governor has given his assent to the following Ordinances :—

Ordinance No. 6 of 1893—"An Ordinance to prevent the wanton destruction of birds, beasts and fishes not indigenous to the Colony."

Ordinance No. 7 of 1893—"An Ordinance relating to rabies."

Ordinance No. 8 of 1893 "An Ordinance relating to Pawnbrokers."

Ordinance No. 9 of 1893—"An Ordinance to amend the law relating to butchers and the slaughter of cattle."

Ordinance No. 10 of 1893—"An Ordinance for the prevention of accidents by gunpowder and other explosives."

Ordinance No. 11 of 1893—"An Ordinance for making final provision for the supplementary contingent charges for the year 1892."

PAPER TABLED.

H. E. the LIEUT.-GOVERNOR :—I beg to lay on the table a statement showing the amount of schedule fees received by the Fiscals of the several provinces and their deputies.

THE MONEY FOR HARBOUR WORKS.

The Hon. A. De A. SENEVIRATNE :—Sir, I beg to give notice that at the next meeting of the Council I shall move for a return showing (1) all moneys drawn from the general revenue and all moneys raised upon loans for the construction, maintenance, and improvement of the Colombo Breakwater, Harbour Works and Harbour Defence, including the acquisition of lands for these purposes; (2) all moneys paid out of the general revenue for interest and sinking fund on such loans; (3) all moneys collected as harbour dues and paid into the general revenue.

THE EXTENT OF CULTIVATED PADDY LAND.

The Hon. P. COOMARASWAMY :—Sir, I beg to give notice that at next meeting of the Council I shall move for a return of the extent of paddy lands cultivated in each district and the amount of the estimated production in each year from 1868 to 1892.

THE SUPPLEMENTARY SUPPLY BILL.

H. E. the LIEUT.-GOVERNOR moved the third reading of "An Ordinance for making provision for the Supplementary Contingent Charges for the year 1893." Read a third time and passed.

THE SUPPLY BILL.

H. E. the LIEUT.-GOVERNOR moved the third reading of "An Ordinance for making provision for the Contingent Services for the year 1894." —Read a third time and passed.

VILLAGE COMMUNITIES.

H. E. the LIEUT.-GOVERNOR moved the third reading of "An Ordinance to amend the Village Communities Ordinance."—Read a third time and passed.

THE CONTROL OF GENERAL CEMETERIES.

The Hon. the Acting GOVERNMENT AGENT, W.P. brought up the report of the Sub-Committee on "An Ordinance to vest the control of General Cemeteries situated within Municipal limits in the Municipal Council," and moved that it be read.

The Clerk of the Council then read the Report as follows :—

The Sub-Committee appointed by the Legislative Council to report upon a Bill intitul d "An Ordinance to vest the control of General Cemeteries situated within Municipal limits in the Municipal Council" beg to report as follows :—They recommend that the Bill be not brought into operation until—(*a*) An Ordinance is passed empowering the Municipal Council to make regulations controlling burials and cremations in burial or cremation grounds other than general cemeteries, and prohibiting burials and cremations being performed in grounds other than those specially authorized by the Municipal Council and duly registered. (*b*) Until the general cemeteries to be handed over under the provisions of this Bill to the Municipal Councils have been properly enclosed by substantial walls or iron railings, and otherwise brought into good order and condition. For the purpose of giving effect to the above recommendations they suggest that the further consideration of this Bill be deferred until the Ordinance alluded to in section (*a*) has been laid before Council; that a clause be added to the Bill providing that the Ordinance shall not come into operation until proclaimed by His Excellency the Governor. The Sub-Committee advise that the Mohammedan cemetery established under the Ordinance No. 1 of 1880 be brought under the provisions of this Bill, and suggest the insertion of a clause for this purpose. The Sub-Committee are of opinion that the Municipal limits of the town of Colombo should be extended so as to include the general cemeteries already established, and the area within which persons dying are entitled to be buried in the General Cemetery. The Sub-Committee have noted in the margin of the Draft Bill appended to this report a revised draft embody-

ing the several amendments which they recommend should be made.

The Hon. the Acting GOVERNMENT AGENT, W.P. said:—In view, sir, of the recommendations of the Sub-Committee and having conferred with the Hon. the Attorney-General, I would suggest that the matter lie over until the Government consider the proposals that have been made.

The Hon. M. C. ABDUL RAHIMAN:—Sir, the Sub-Committee's report refers to one particular Muhammadan cemetery established under Ordinance 1 of 1880, being a piece of ground which was given by Government to a certain section of the people, but we have other cemeteries which we have purchased and we would wish all to be included under one head, although Muhammadans would not like the Municipal control which is proposed. In Sub-Committee I made a suggestion which I thought was agreed to, namely, that the Municipal supervision should only extend to the examining of the books and such kind of things, for the digging of graves by other persons and such things is against our religion.

The matter was allowed to lie over as suggested by the Hon. the Acting G. A., W. P.

THE CEYLON COURT OF ADMIRALTY.

The Hon. the ATTORNEY-GENERAL moved the second reading of "An Ordinance to amend "The Ceylon Court of Admiralty Ordinance, 1891." Council then went into Committee on the bill and it was referred to the Law Officers of the Crown for report.

THE WEARING AND CARRYING OF KNIVES.

The Hon. the ATTORNEY-GENERAL moved the second reading of "An Ordinance relating to the wearing and carrying of knives."

The Hon. the AUDITOR-GENERAL and the Hon. the TREASURER simultaneously rose to second the bill.

The Hon. M. C. ABDUL RAHIMAN:—I beg to support the bill, sir, and I hope you will be able by it to prevent the free use of the knife. I understand that it is to be introduced at first only into the Southern Province where cases of stabbing have been rather frequent. It is not only the wearing and carrying of knives that leads to crime, but the free use of arrack, and I think it would be well if we could, in addition to introducing this Ordinance, discontinue or restrict that traffic. There has been an increase of the duty on imported liquors but locally distilled arrack is untouched in that respect, and crime has very often its root in drink. In the Penal Code certain privileges are allowed to persons who commit offences while in a state of intoxication; an offence is not regarded so serious if the person who committed it was drunk at the time. I refer to sections 78, 79 and 488. That is a very good plea to escape punishment. When a man is drunk and uses the knife the law is more favourable to him than others. Murders, of course, are committed with other things such as bullets and clubs, and these rash acts are wholly tempered with *eau de vie*.

The Hon. Dr. P. D. ANTHONISZ, C.M.G. said:—When this Ordinance was introduced into Council, the Attorney-General stated that the crime of using the knife on the least provocation was not uncommon in the Southern Province. I have noticed that boys, lads and grown-up men carry knives with them and most of these are wornout table-knives, pointed or sharp. In case of a quarrel, as most Sinhalese in the Province wear the hair long and in a knot behind, when a person is held by the hair from behind he becomes powerless if it is a strong person who holds him and as boots and strong shoes are not worn by this class of persons to kick his assailant the knife is drawn and a wound inflicted either in the chest or stomach which may become mortal. The use of this kind of knife is for slicing arecanut for chewing beetle leaves instead of the arecanut cutter, which is only used at the present time by old men and women. All that the labourer needs is a billhook called *ketta*, and a large kitchen knife, blunt at the point - one for clearing low jungle and cutting fence sticks, and the other for domestic purposes as cutting coconuts, jak fruits, yams, &c. It is to be hoped that when this Ordinance is passed the use of the knife to inflict dangerous wounds on the least provocation will cease. If not, flogging may be resorted to. When the Ordinance is passed I shall be glad to see it introduced into the Southern Province without delay.

The Hon. A. DE A. SENEVIRATNE:- Sir, it appears to me that the objections which I urged against the previous Ordinance lie against this one also. I have nothing new to state and I shall not take up the time of this Council by stating my former objections anew. I would have been better satisfied if a Bill had been proposed more on the lines of Ordinance 18 of 1887 which is an Ordinance making special provision for the administration of justice in the North-Western Province. Cattle-stealing was said to be rife in the N.-W. Province and special legislation was considered necessary. That special legislation was Ordinance 18 of 1887. In that the Governor was empowered to appoint a Poilce Magistrate for the N.-W. Province, and the most important clause of it was that the Special Magistrate was authorised to sentence cattle-stealers to be whipped. I believe that if persons committing offences with the knife were punished severely with whipping, we should hear less of stabbing. The inconvenience that would arise by the operation of the proposed Ordinance would be that the innocent would be punished equally with the guilty. Knives are wanted for various occupations, and restriction in the use of the knife would interfere with the liberty of the people in the use of a weapon which does not necessarily become a dangerous weapon. It is only in the hands of people who do not know how to use the knife, or rather who pervert the use of the knife, that it becomes a dangerous weapon. It is on that ground alone that I think this Ordinance can be objected to. The Ordinance of 1890 was proposed as a tentative measure. It was to continue in operation until 31st December 1893. We are now close upon that date and the necessity therefore for passing this Ordinance now arises if the experiment of restricting the use of the knife is to be tried. A fact which strikes me is that during all this time the Ordinance was not tried in some districts. It is to be hoped that there was really no necessity, but I think that it was rather that the Government took a liberal and merciful view, and did not wish to impose restrictions until compelled to bring the Ordinance into operation. I understood from my hon. and learned friend the Attorney-General that it is the intention of Government to bring this Ordinance into operation in some part of the Southern Province. Now with regard to the Southern Province I see that the Assistant Government Agent of Matara, in his Administration Report for 1892, says:—

"Stabbing cases are appallingly frequent. In the villages almost every one, even little children, carries a knife, and it is drawn on the slightest provocation.

My views on the subject are strongly supported by the District Judge, the Police Magistrate, and all the Mudaliyars and Presidents in the district, and I sincerely hope the proclamation of the Ordinance here will not be long delayed."

Under these circumstances I do not think there could be any objection raised by anybody if your Excellency were to bring this Ordinance into operation in such a district, but what I urge is that unless a necessity of that kind is shown, and unless there is a recommendation by the revenue and judicial officers, Your Excellency would not think of bringing this Ordinance into operation elsewhere. When the Ordinance of 1890 was being considered I remember it was stated by the hon. the Tamil representative in this Council that although the Tamils used the knife frequently, yet crimes with the knife were not of frequent occurrence amongst them. The same plea was urged on behalf of the Burgher and Muhammadan communities, and my hon. friend the Kandyan representative also stated that the Kandyans were not addicted to this species of crime, so that in the opinion of some it is only the maritime Sinhalese that should come under this Ordinance. I do hope that in bringing this Ordinance into operation no class distinction of that kind will be made. The Governor is empowered in this Ordinance to exempt from its operation, with or without conditions, any particular class or classes residing in any province, district, or place to which this Ordinance applies, but I do not think it was intended to exempt classes of the kind I have mentioned because they belong to certain nationalities. I cannot conceive what is really gained by that exemption. If the Ordinance is brought into operation in a certain district indicated by the Assistant Government Agent of Matara, I suppose it will be brought into operation all throughout the district, exempting perhaps men who are obliged to carry pointed knives for the purposes of their business and not because they belong to any special nationality. I mention this simply because it was urged that certain nationalities were not addicted to offences with the knife. I have no objection, sir, to the passing of this Ordinance, because I feel certain that the Government will keep in view the hardships likely to be occasioned unless some precautions are taken in proclaiming districts. There is only one point I should like to mention, however, and that is that the first ordinance was passed only for a period and I should like this one also to be only for a period. It need not necessarily be for one year. It would be well to try it for a longer period. I think it is desirable that it should only last for a certain definite period.

The Hon. P. COOMARA SWAMY :—I agree, sir, with my hon. friend who represents the Sinhalese that this bill ought to be for only a limited period, say for three years, as the last Ordinance was, and by that time we shall know whether this Ordinance has had any effect in putting down crimes committed with the knife. At the same time I would like to point out to Your Excellency that in our Penal Code there is a provision against the use of the knife against women and children. Clause 316 provides:—

"Whoever, except in the case provided for by section 326, voluntarily causes grievous hurt, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; and if the person to whom the grievous hurt is caused shall be a woman or a child, may in addition be punished with whipping."

I am sure, Your Excellency, that unless offences against men, women and children are punished with whipping, your Government will not be able to put down these crimes, which are becoming more and more prevalent.

The Hon. T. B. PANABOKKE :—I wish to make a remark or two, sir. I am quite willing to agree to the passing of this Ordinance as it stands. As regards the difficulty of my hon. friend who represents the maritime Sinhalese I do not think that it is intended in any way to exempt any one particular nationality. I think the intention of the framer of the Ordinance is that it should be applicable to any class of people whose occupation compels them to use the knife—in whose business the knife is a *sine qua non*. Under these circumstances I do not think that the wording of the clause is in any way objectionable. I am however inclined to lean to the view put forth by my hon. friends as to the punishment that ought to follow in cases where the knife is used. I would certainly agree with them that if whipping forms part of the punishment for using the knife, Your Excellency's Government will be able to attain the salutary object you have in view in putting down the use of the knife so frequently used as is complained of.

The Hon. W. W. MITCHELL :—Sir, between this Ordinance and Ordinance No. 19 of 1890 there is no great difference in principle nor yet in details. The Ordinance of 1890 has hitherto been inoperative and it is unfortunate that the experiment was not made of proclaiming it in some district or another. It will be interesting to see what is the result if it is brought into operation in the Southern Province as it has been indicated it is the intention of Government to do. This Ordinance deals with the carrying of knives and not with the use of them. What is wanted is something to put down the use of the knife—something to act as a deterrent. As has been pointed out by the hon. the Tamil member the Penal Code provides for punishment by lashing for assaults on women and children, but it appears to be necessary that the Code should go much further than this, and that provision should be made for this punishment being imposed in other cases than those for which provision has already been made. It may not of course be possible to introduce anything of that kind into this bill, but I hope that Government may see fit, in order to secure success in the working of this Ordinance now before us, to amend the Code, if possible, so as to admit of punishment by lashing being inflicted much more frequently and to a much larger degree than at present.

The Hon. the ATTORNEY-GENERAL :—I think, sir, that hon members have forgotten that the powers with regard to whipping have been very much extended beyond those given by the Code, and that the Ordinance 16 of 1889 passed by this Council provides for whipping in a great many cases which are not provided for in the Code. The Ordinance of 1889 provides for whipping in cases punishable under section 315 of the Penal Code of voluntarily causing hurt by dangerous weapons or other means. The legal members of the Council will remember that section 315 covers stabbing with a knife. Provision is also made for punishment by whipping in cases of voluntarily causing grievous hurt by dangerous weapons or means punishable under section 317 of the Penal Code. Section 317 of the Code also applies to cases where the knife has been used and grievous hurt has been caused. With regard to the provisions of this statute they have been in force ever since 1889, and the result has not been that there has been less, I regret to say, of stabbing, but that stab-

bing is as frequent now as it was previous to the passing of that statute. Consequently it seems clear to me that the mere remedy of whipping alone will not meet the evil which is admitted by all the members of this Council to exist, and it is necessary to go a step further and introduce this present Ordinance which is on the lines of the old bill of 1890. It has been said by members that the bill of 1890 has never been put into force. The reason of that is that the Government were anxious not to bring the provisions of the Ordinance into operation unless it was absolutely necessary, and they were desirous, as far as possible, to impress on the Magistrates throughout the island that they should observe the powers which were vested in them under the Code and under the other Ordinances, and see if by this means the use of the knife could be put down without the introduction of the provisions of the Ordinance of 1890. A fair trial, I think it will be admitted by the members of this Council, has been given to that course. I do not for a moment wish or suggest, neither do the Government wish or suggest, that this Ordinance should be put into force throughout the whole of the island. I think it is desirable that the Government should have the power, when it becomes necessary, to put this Ordinance into operation in prescribed districts. My learned friend who represents the Sinhalese community has pointed out with regard to the Matara district that a report has been before the Government with reference to the frequent use of the knife in that district. Government did not at once act on that report and bring the Ordinance of 1890 immediately into operation in that district, but proceeded to consider the question and to try whether the ordinary remedies of the Courts of law were sufficient. I for one am convinced that unfortunately those remedies are not sufficient, and though the Government has not as yet decided to bring this Ordinance, if it is passed, into operation in any particular district, I thought it right to tell members at last meeting of Council that I thought it very probable that it would be necessary to bring it into operation in a portion of the Matara district. The Government has arrived at no decision on the point, but I thought it would have been unfair for me to say that the Government might be trusted not to bring this Ordinance into operation without saying that it might be necessary to bring the Ordinance into force in the district I have mentioned. I do not think there is anything else I have to reply to, but if there is anything else requiring answer I shall be glad to give it.

The Hon. L. H. KELLY:—There is only one matter, sir, that I should like some explanation about. I understand from the hon. members who have already spoken that had whipping been more frequently applied the use of the knife would have been considerably stopped. (Hear, hear.) I am perfectly open to correction, but I understood the Hon. the Attorney-General to say that the officers administering this law had been told to use as far as possible the powers which were given to them in order to prevent the use of the knife. The Attorney-General however has not satisfied me as to whether the powers which he has quoted just now as given to prevent the use of the knife were used by the Magistrates who were instructed to try to put down stabbing. The unofficial members who have spoken seem to have the same view of the case that I have, that the lash has not been made use of as it might have been, and I would like to know from the Attorney-General whether I am right with regard to this matter. With regard to what fell from my hon. friend who represents the maritime Sinhalese I must say that I quite agree that it should remain with the Governor to apply the Ordinance to certain localities. I think it is the keynote of the whole Ordinance. It gives the Governor power where there is a great deal of crime to specially apply the Ordinance there, and that the Government would not use the Ordinance where it might in any way affect the ordinary work of the people in which knives are necessary. I also quite agree with my unofficial friends in thinking that the Ordinance should be a tentative measure and limited to a certain period. It may be found insufficient or it may be found oppressive, and I think that in view of that it is right that it should only be a tentative measure. But what I particularly wish explained is whether the power which has been given to Police Magistrates under the Penal Code to use the lash, has been used. I understood the Attorney-General to say that that power was given under the Penal Code and that the necessity had arisen for passing another Ordinance.

The Hon. A. DE A. SENEVIRATNE:—Before my hon. friend replies I should like to ask another question in order that he may answer both at once. In the 316th clause of the Penal Code to which my hon. friend the Tamil member referred, a Police Magistrate cannot inflict whipping because a Police Magistrate has no jurisdiction to try the offence; and as regards the offences referred to by my hon. and learned friend the Attorney-General the same remark applies. A Police Magistrate cannot inflict whipping because the offences in clauses 315 and 317 are not offences punishable by a Police Magistrate but by the District Court. The punishment under clause 317 is 10 years' imprisonment, under clause 315, it is 3 years' imprisonment, and under clause 316 it is seven years' imprisonment.

The Hon. L. H. KELLY:—I would amend that question of mine sir. I was wrong in using the expression "Police Magistrate." I ought to have said "the Courts empowered to deal with these cases."

The Hon. M. C. ABDUL RAHIMAN:—Sir, in a certain Ordinance passed lately the cases were to be tried by special Police Magistrates, such as those in Galle, Kandy and Colombo, but in this bill power is given to all the Police Magistrates in the island. There are some Police Magistrates who are stupid. If the authority disposed to allow flogging, I would ask such power be given only to special Magistrates.

The Hon. the TREASURER:—Sir, I think hon. members have rather forgotten the arguments that were used when the bill which this is intended to take the place of, was discussed in this Council. It never was intended, and never could be intended, that an Ordinance of this nature should be brought into operation throughout the whole island. Such a measure would be perfectly monstrous. What was intended was that wherever it was made apparent that persons in a certain locality were using the knife frequently, that is to say in assaults and quarrels, we should put this Ordinance into operation in that district. Nothing, I think, that we can introduce into an Ordinance will prevent a man, who is determined to commit a murder with a knife, committing that murder; but what is intended is that a man who habitually, for the purpose of his trade or occupation, carries a knife, should be discouraged and prevented from using it on the slightest provocation; and if it were found that in any particular district people had got into the habit, as it were, of using the knife on the slightest quarrel, the Governor should introduce this Ordinance into that district and disarm the population for a certain time. It was hoped that this measure introduced into such

a district would be a warning and have such an effect upon the people that when the Ordinance was withdrawn and they were again allowed to carry knives, they would understand that the knife was not to be used whenever they had a quarrel. I think, therefore, that the Ordinance should only be introduced when Government is satisfied that a particular district has been guilty of these offences, so that they may be taught that if they wish to be allowed to wear a knife they must be very careful as to the way in which they use it. I apprehend that that was the object of the Ordinance, and I hope the Ordinance will only be applied in that spirit.

H. E. the LIEUT-GOVERNOR :—I had intended, sir, to make one or two remarks from information which was in my possession from my official position and which I thought I ought to give to this Council in support of this bill. The hon. member who represents the planting interests asks whether District Court Judges have exercised the power of flogging as much as they might have done. Well, sir, I do not know whether the hon. member is aware of the extent to which they have exercised that power, and I should think, sir, it would be somewhat difficult to fix any standard of the measure up to which they should exercise it. We have often very excellent rules which are not brought into operation. I intended to have mentioned to the Council that under the Supplementary Ordinance giving the District Court power to inflict corporal punishment in cases of grievous bodily hurt, flogging has been frequently inflicted. These cases (he was understood to say) are taken under departmental instructions and not the provisions of law. Speaking from memory I should say that there are certainly two cases reported every month. I think, sir, considering the character of the punishment, that that is a pretty fair measure. Whether the hon. member, when he asked whether the punishment had been inflicted as much as it might have been, had the information in his possession, I do not know. The hon. member recently rather took the Government to task for interfering with the discretion of Police Magistrates. It would be a very much more serious offence, I think, sir, to interfere with the discretion of District Court Judges in inflicting such a serious punishment as that of flogging. I understood, sir, one of the hon. members to suggest that the power should be extended to Police Magistrates. I think I may remind the hon. member of the difficulty and trouble which was experienced in the endeavour to get the Ordinance for empowering the infliction of corporal punishment for stealing unripe produce. The sanction of the Imperial Government was given to it with considerable hesitation and only on the condition that the Governor should exercise the strictest supervision over the application of it. That supervision is exercised by a perusal of every case in which corporal punishment is inflicted. I feel certain, sir, that any proposal to extend to Police Magistrates the powers of flogging which the District Judges have, would meet with considerable opposition. The hon. member who represents the Mercantile community spoke of the law being inoperative. It has been inoperative in the sense that it has never been put in actual operation by proclamation in any district, but the Government have from time to time been informed incidentally in the reports of headmen that the Ordinance has had a great deal of effect—a great deal of what I suppose I may call moral effect—and that there is the impression that the Ordinance in some way is in force and that it could be brought to bear upon the people. There is further the feeling that the carrying of knives is bad form, and I have seen it stated by more than one headman that the practice is certainly on the decrease.

The Hon. the ATTORNEY GENERAL :—With the permission of the Council, sir, I answer a question that has been put to me by the hon. member who represents the planting community and also the hon. member who represents the Sinhalese community with regard to why Police Magistrates are not empowered to whip for offences under sections 315, 316 and 317 of the Penal Code. The reason is that these sections can only be tried by the District Court, and all that Ordinance 16 of 1889 did was to empower the Judges who had the right to try cases under those sections to inflict the punishment of whipping. With regard to my interfering with the discretion of the Judge he knows the facts and circumstances of each case, which I cannot learn in my office, and besides I have no power to interfere with his actions even if I wished to do so.

The Council on the motion of the Hon. the ATTORNEY-GENERAL afterwards went into Committee on the bill.

The Ordinance relating to the wearing and carrying of knives was taken up in Committee.

Sub-sections *c* and *d* of clause 3 were as follows :—

"(*c*) to exempt, with or without conditions, any particular class or classes of persons residing in any province, district, or place to which this Ordinance applies; or

"(*d*) to exempt, with or without conditions, any person or class of persons carrying on, engaged in, or employed in any profession, trade, business, manufacture, or occupation, whether agricultural or otherwise, from the provisions of this Ordinance."

The Hon. A. DE A. SENEVIRATNE asked an explanation regarding them, not that he objected to them, but because he had no recollection how the words in sub-section *c* were allowed to pass taken in connection with sub-section *d*.

The Hon. the ATTORNEY-GENERAL explained that sub-section *c* was in the original Ordinance but that sub-section *d* was new and was inserted by him in the present bill.

The Hon. A. DE A. SENEVIRATNE.—My attention was arrested because there were two sections exempting, as it appeared to me, the same class of people. I therefore took it that one section referred to one class, and the other to another. For instance in sub-section *c* I think what was intended was to exempt the very persons that are referred to in sub-section *d*, that is those persons who carry on or are engaged in any profession, trade, &c. It seems to me that some explanation is necessary as to who are meant to be exempted in *c*, and who in *d*.

The Hon. M. C. ABDUL RAHIMAN said he would not mention any particular class of people, but those law-abiding people whose conduct was good and had not a name for stabbing and such kind of things should be exempted.

The Hon. the ATTORNEY-GENERAL :—I am prepared, sir, if the hon. member wishes to move the omission of sub-section.

The Hon. A. DE A. SENEVIRATNE signified that that was his wish.

The question being put sub-section *c* was omitted.

The Hon. A. DE A. SENEVIRATNE asked what the word "otherwise" referred to. Was there any business other than agriculture that necessitated the carrying of the knife ?

The Hon. the ATTORNEY-GENERAL replied that the word was generally used to cover any cases of a similar kind which might have escaped attention.

The Hon. T. B. PANABOKKE :—There are some native gentlemen, sir, who on special occasions wear knives as part of their full dress. I suppose that this clause will exempt them.

The Hon. the ATTORNEY-GENERAL :—I think sub-section *c* might have exempted them, but I doubt if sub-section *a* will.

The Hon. T. B. PANABOKKE :—Then I would object to the expunging of sub-section *c*.

H. E. the GOVERNOR :—Sub-section *a* of clause 4, I think would exempt the gentlemen to whom I think the hon. member refers. Sub-section *a* of clause 4, exempted " any public servant as defined in section 19 of the Ceylon Penal Code."

The Hon. T. B. PANABOKKE :—That refers to public servants, but there are some gentlemen, not public servants, who might wish to put on full dress on public occasions. If they were not public servants and put on full dress, they would come under the operation of this Ordinance and might be liable at least to the annoyance of being brought before a Court of Justice.

The Hon. the TREASURER :—That would only be during the time that the Ordinance might happen to be in operation, and I think that if a native gentleman lived in a district where the use of the knife has been so common that it was found necessary to introduce this Ordinance, the fact that he himself was put to some personal inconvenience by its introduction might induce him by precept and also by example for the time being, to impress upon the people of the district that every man was interested in seeing that the law was properly carried out and that the knife was not used, because every person, whatever his rank and position might be, would be subjected to inconvenience if that district got a bad name. I think that was one of the principal objects of the Ordinance.

The Hon. T. B. PANABOKKE :—I regret to say that I am not prepared to endorse that opinion, but leave the matter to the Council. It would be a pity to deprive one of his regular costume or dress.

The Hon. A. DE A. SENEVIRATNE :—I may say in addition to what has fallen from the hon. the Treasurer, that if a native gentleman be allowed to wear a knife as part of his national costume, some of those men whom we wish to prevent carrying knives might claim the privilege of native gentlemen, and the object of the Ordinance would be defeated.

The Hon. the TREASURER :—I meant in my previous remarks to convey that there are a great number of innocent persons who must suffer by the introduction of this Ordinance, and if you endeavour to exempt every one except a man convicted of using the knife you affect the object of the Ordinance which is to disarm the population for the time being in order to show the people that every person is interested in seeing that the knife, if worn, is not used on the slightest provocation.

The Hon. P. COOMARA SWAMY :—The hon. the Treasurer says "for the time being," but that is exactly what this Ordinance does not propose to do, and that is why we press upon Government the necessity for limiting this Ordinance to three years.

The Hon. the ATTORNEY-GENERAL :—The Governor can withdraw any proclamation at any time.

The Hon. T. B. PANABOKKE :—One way of obviating the difficulty that occurs to me would be that any gentleman, who is not a public officer, who wishes to make the knife a part of his full dress should make a representation to the Magistrate or Judge of the place before he puts on the knife as part of his full costume. I think that would be a sufficient guarantee that he was not to use it for an unlawful purpose. It would be a great hardship, I must say, not to allow a man to wear the full dress that he is accustomed to.

The discussion on this head was not further pursued.

The subsequent clauses were modified in accordance with the deletion of sub-section *c* of Clause 3.

Clause 4 read :—

" From and after the coming into operation of this Ordinance in any province, district, or place, it shall not be lawful for any person therein to wear or carry upon his person a knife elsewhere than in a dwelling-house or the curtilage thereof."

The Hon. P. COOMARA SWAMY asked whether that would reach the case of a man having a knife in a hackery.

The Hon. L. H. KELLY pleaded ignorance of what was meant by the curtilage of a house.

The Hon. the ATTORNEY-GENERAL replied that in Ceylon it was generally called the compound.

The Hon. L. H. KELLY added that a compound might be of any size.

The Hon. A. DE A. SENEVIRATNE moved as an amendment of Clause 10 :—

"This clause shall continue in force until the 31st December 1896, or if the Legislative Council be then in session until the end of such session."

He then said :—These are the words used in the Ordinance 19 of 1890, and I should like this to be regarded as a tentative measure as the Ordinance of 1890 was regarded. The Ordinance of 1890 was not brought into operation in any district, but I hope this Ordinance will be tried, and after it has been tried we shall be able to say whether it is worth while re-enacting it. With regard to the present Clause 10, I do not quite see the need of repealing the former Ordinance because the Ordinance was to be in operation only till the end of the present year.

H. E. the GOVERNOR :—Or session.

The Hon. A. DE A. SENEVIRATNE :—Yes, I did not notice that. I would, however, have the words I have moved added to Clause 10 as in the draft.

The Hon. the ATTORNEY-GENERAL :—Make it 1897.

The Hon. A. DE A. SENEVIRATNE :—Very well.

The amendment was then adopted.

The Hon. T. B. PANABOKKE :—Perhaps you will pardon me, sir, as we are in Committee. I should like to go back to Clause 9 and propose an amendment.

The amendment he was about to propose had evidently reference to the penalty to be imposed by the Village Tribunal, but the hon. gentleman did not move it, stating afterwards that he had been under a misapprehension.

All the clauses having been gone through the Hon. the ATTORNEY-GENERAL reported the bill as amended and Council resumed, when on his motion the bill was referred to the Law Officers of the Crown for their report.

HARBOUR IMPROVEMENTS AND RAILWAY LOANS.

The Hon. the ATTORNEY-GENERAL moved the first reading of " An Ordinance to raise a loan of £1,000,000 sterling for the improvement of the harbour of Colombo and for the construction of railways and other public works." He said that the object of the bill was to enable H. E. the Governor to issue debentures under the Ordinance 19 of 1884 for raising £1,000,000 sterling which was required for the construction of Harbour Works and the Railways now being carried on to Galle and Kurunegala.

The AUDITOR-GENERAL seconded; and the bill was read a first time, the mover giving notice

that he would take the second reading at the next meeting.

THE ADJOURNMENT AND EARLY SESSIONS.

H. E. the LIEUT.-GOVERNOR :—Having reached the end of the Orders of the Day I have to move the adjournment. The only business now remaining is the third reading of the two bills that have passed through Committee and the passing of the loan bill through the remaining stages which perhaps will be done at the next meeting. I would move the adjournment in the ordinary way till Wednesday next only perhaps, in view of the approaching holidays, it would be more convenient to hon. members if we met on an earlier day.

The Hon. L. H KELLY :—Would there be any objection to our sitting again tomorrow ?

H.E. the LIEUT.-GOVERNOR :—The object of a longer adjournment would be that members would have an opportunity of considering the loan bill which has been laid before them today. There is also a technical objection, but it is one that we get over very frequently. A bill should be published twice in the *Gazette* before it is either read a second time or committed—I forget which at the moment—but hon. members are very indulgent in allowing the suspension of the standing orders.

The Hon. W. W. MITCHELL :—Perhaps Monday next would be convenient to all the members, but if meeting tomorrow does not present any difficulty such as has been shadowed forth by H. E. the Lieut.-Governor, I would be perfectly ready meet.

H. E. the GOVERNOR :—So far as the Government is concerned there will be no objection to adjourning till tomorrow. The proposal which has been made by the Colonial Secretary was made in view of the possible wish of the unofficial members to consider the loan bill which is before them, but if they do not consider it necessary to adjourn for a longer time, the objection to sitting tomorrow disappears.

The Hon. W. W. MITCHELL —I would like to take this opportunity of asking, sir, in view of the discussion that took place at last meeting of the Council; whether it is the intention of Government to close the session soon, as used to be the case in times gone by and have a long interval, and only open the next session in September, or whether the session is to be continuous during the whole of 1894. I think it would be very much better if the session were closed entirely in the early part of the year, and have the sessional papers issued and circulated amongst the members at the close of the session.

H. E. the GOVERNOR.—At present the proposal is to close the session tomorrow or at the next sitting for the Christmas holidays. Probably during the course of January or February it will be neccessary to call the Council together for one or two sittings As far as I am at present able to say I should be inclined to inform Council that there would be no objection to finally closing the session somewhere about February or March, and in that way meeting what appears to be the wish of some at any rate, of the members of Council.

The Hon. L. H. KELLY.—I understand from my hon. friend the mercantile member that he only wishes a date fixed when the Council may close. There are some matters which I may wish to bring before this Council. You have been good enough to say that you will give me an interview tomorrow and possibly after that I may be able to say whether I shall bring these matters forward. Possibly you may wish to meet my wishes regarding them.

H. E. the GOVERNOR :—As I have already said I am not aware that there is any business which will necessitate a sitting of Council till about the month of February.

The Hon. A. DE A. SENEVIRATNE :—I may say, sir, that if Council adjourns till tomorrow it will be inconvenient for me personally, as I had made arrangements for other work on that day ; but I have no objection to my personal convenience being disregarded, except that I may not be able to bring up the motion of which I have given notice.

H. E. the LIEUT. GOVERNOR :—I understand that it is the general feeling that we should adjourn till tomorrow, With regard to the wish expressed by the hon. the Planting member I am sure the Government, with that disposition which it has to oblige him, will even, if it is necessary, give him a special session for the object he has in view. I beg to move that Council do adjourn till tomorrow at 2·30 p.m.

Council then adjourned.

THURSDAY, DECEMBER 14th, 1893.

Present :—His Excellency Sir Arthur Havelock, President. Sir E. Noel Walker, Lieut.-Governor ; H. E. Major General Clive Justice, Officer Commanding the Forces ; the Hons. J. A. Swettenham, Auditor-General ; F. R. Saunders, Treasurer ; C. P. Layard, Attorney-General ; R Reid Principal Collector of Customs ; D. J. Mantell, Acting Surveyor-General ; W. W. Mitchell, Mercantile representative ; Dr. Anthonisz, Burgher representative ; A. de A. Senevirtane, Lowcountry Sinhalese representative ; T. B. Panabokke, Kandyan representative ; L. H. Kelly, Planting representative ; M. C. Abdul Rahiman, Muhammadan representative ; P. Coomara Swamy, Tamil representative.

Absentees :—The Hons. E. Elliott, Acting Government Agent, W. P ; P, A. Templer, Government Agent, C. P. ; and J. J. Grinlinton, General European representative.

HARBOUR MONEY.

The Hon. A. DE A. SENEVIRATNE :—I beg, sir, to move

For a return showing (1) all moneys drawn from the general revenue and all moneys raised upon loans for the construction, maintenance and improvement of the Colombo Breakwater, Harbour Works and Harbour Defence, including the acquisition of lands for those purposes; (2) all moneys paid out of the general revenue for interest and sinking fund on such loans ; (3) all moneys collected as harbour dues and paid into the general revenue.

My object, sir, is to ascertain what amount is spent on the Breakwater, harbour works and defence works and what return we get from the harbour. I understand that the harbour dues are the only source of income arising from the harbour which is paid into general revenue. I find that in Ferguson's Handbook for 1893 certain lists are made up, and perhaps the same headings may be used in this return as are given there ; but my object is really to secure a return showing the actual money spent on the harbour, Breakwater and other works connected with the harbour, and to show on the otherside how all that money is paid back.

The Hon. W. W. MITCHELL seconded.

H. E. the LIEUT.-GOVERNOR :— I can only say that there is no objection to furnishing the return. but I may say that there is an account kept which may perhaps meet the purposes of the hon. member. It is a nominal fund account of the Colombo

harbour, and I think that the statement has from time to time been laid before the Council. It consists of pilotage, rent of reclamation ground, sale of sand, and warehouse rent and they amount to a considerable sum, [illegible] amount for the coming year being estimated at R210,000. The rent paid by the Wharf and Warehouse Company is also large and the various amounts are carried to the credit of the Colombo Harbour Fund to which is charged all the expenses of the harbour. The return will be furnished in both forms.

CONSOLIDATED BRANCH ROADS ORDINANCE.

The Hon. L. H. KELLY (who had previously risen to address the Council):—Sir, I beg to give notice that at next meeting of this Council I shall move that under existing conditions the introduction of a consolidated Branch Roads Ordinance is most necessary.

THE PREVENTION OF COCOA STEALING.

The Hon. L. H. KELLY afterwards said:—I know sir, that I am adopting an unusual course, but I think I have your permission, and I trust the permission of the Council, to say that I had intended to have given notice of a motion today that in consequence of the increasingly frequent thefts of cocoa the necessity for fresh legislation is imperative. Yesterday before the adjournment of Council I mentioned that Your Excellency had been good enough to promise to see me today, and at that interview I hoped I should be able to arrive at a conclusion as to what was best to be done. I was pleased to hear from Your Excellency today that the present law for the prevention of cocoa stealing is on trial and is being anxiously watched by Government—that three magistrates have been instructed to furnish reports as to the working of special powers given them. The Government are waiting the receipt of these reports which they expect very shortly, and that is the reason that correspondence which has taken place between the Planters' Association and the Government has hitherto not been replied to as early as might have been expected. I have no desire to embarrass the Government in any way; my only wish is to protect the cocoa cultivator. I would wish those who are interested in the matter to understand that the Government are as alive to the importance of it as I am and as I believe they are. I shall, therefore, postpone my motion to a future sitting in the hope that Government may be assured and may be able to assure the cultivators of cacao at an early date that the powers it has given and will from time to time give to prevent the constant thefts of cocoa are having the desired effect.

The Hon. A. De A. SENEVIRATNE:—Is there a motion, sir, that we can speak to. We have opinions on the matter also, and we should like to express them if it is in order. I did not hear any motion being made.

The matter then dropped.

PADDY CULTIVATION.

The Hon. P. COOMARA SWAMY:—I beg to move for a return of the extent of paddy lands cultivated in each district of the island and the estimated production in each district of the island in each year from 1868 to 1892. I have no doubt thatwith some little trouble this information can be gathered from several volumes of the blue books here, but I would like to have it all given with the authority of Government in one place to which we may refer. I believe that there is a pretty fair list in the Colombo Kachcheri, and I should be glad, therefore, if some assurance that it would not be very difficult for the Goverment to revise that list and give the information that is required. I ask, sir, for the production of each year as well as the extent of lands cultivated in each year.

The Hon. T. B. PANABOKKE:—I beg to second the motion of my hon. friend.

H. E. the LIEUT.-GOVERNOR:—I can only say in reply to the hon. member that an endeavour will be made to meet the object of the resolution. If the Council are prepared to except the approximate accuracy of the late commutation registration there will not be so much difficulty. I would like to ask the hon. member how he would like the extent expressed, because hitherto it has been spoken of in bushels.

The Hon. P. COOMARASWAMY:—Just as the Government pleases. It is all the same whether it is in so many bushels, or amunams or in acreage.

H. E. the LIEUT.-GOVERNOR:—Every endeavour will be made to furnish the return and make it as accurate as possible. I wish we were in a position to express it by acreage but unfortunately we are not.

READ A THIRD TIME AND PASSED.

The following Ordinances were read a third time and passed.

(1) "An Ordinance to amend 'The Ceylon Court of Admiralty Ordinance, 1891.'"

(2) "An Ordinance relating to the wearing and carrying of Knives."

THE HARBOUR IMPROVEMENTS AND RAILWAYS LOAN BILL.

The Hon. the ATTORNEY-GENERAL:—I beg to move the suspension of the standing rules so that the Council may proceed with the second reading of "An Ordinance to raise a Loan of £1,000,000 sterling for the improvement of the Harbour of Colombo, and for the construction of Railways and other Public Works."

The Hon. the AUDITOR-GENERAL seconded.

The standing orders having been suspended the Hon. the ATTORNEY-GENERAL moved and the Hon. the TREASURER seconded the second reading of the Ordinance.

The Hon. W. W. MITCHELL:—I quite recognised, sir, the importance of bringing forward and p s s this bill without delay to provide the funds for carrying on the harbour works and railway extensions which are contemplated and which have possibly been partly paid for. The only part of the Ordinance to which I feel inclined to take any exception is the expression "other public works." I am aware that in Ordinance 7 of 1892 the same wording was used and power taken to raise a loan of four million rupees for the construction of railways "and other public works"; but it seems to me that the words "and other public works" sound somewhat too indefinite. If these public works were particularized or scheduled then there would be no difficulty in knowing in what manner the money is to be applied but at present we have no knowledge what may be done with the money. Your Excellency's successor in office may choose to apply that money to many objects beyond those which are specified here. The money for instance might be applied to the carrying out of extensive irrigation works for all we know. I do not suppose that that is the intention of the Government at all in connection with the raising of this special loan, but if no other wording is inserted in the Ordinance, we should have some assurance from the Government that it is not their intention to devote any of the money towards irrigation works in the manner that I have suggested might possibly be done. I

were given by Government as to the nature of the public works on which this money is to be expended, and some assurance that where irrigation works are to be carried out special application will be made to this Council for permission to raise a loan in respect to such works.

The Hon. A. DE A. SENEVIRATNE:—May I also ask, sir, in continuation whether, if this loan is authorized in the Ordinance now before us, separate accounts will be kept showing the portion of the loan applied to each work. When a loan is raised for more than one purpose, unless an account of the portion of the loan applied to each purpose and the interest paid on that portion is separately kept, difficulties would arise in giving such a return as I have asked for today.

The Hon. the AUDITOR-GENERAL:—I can assure hon. members, on behalf of Government, that separate accounts will be kept of all the money that is raised and of the distribution of the money that is raised under this Ordinance. An account of the interest will not be kept separately. If a given amount of capital is expended on any particular work an accounting will easily show what proportion of interest payable on the whole loan is due to that capital.

H.E. the LIEUT.-GOVERNOR:—I can without any hesitation give the most complete assurance that no part of this loan will be applied to irrigation works. Indeed I may say that it is well-known that the loan will be applied to the four extensions of railway which are in the course of construction, to the expense of railway survey, and to the large harbour works. I think that that will pretty well absorb the loan. (The concluding sentence of His Excellency's remarks was not distinctly heard by the reporters).

The Hon. P. COOMARA SWAMY:—I could not quite catch what H.E. the Lieut.-Governor said just now; but as there seems to be so much concern about the money raised by this loan going into irrigation works, I think I may say we are also concerned in knowing what other public works the money is to be spent on.

The Hon. the ATTORNEY-GENERAL:—The money will be spent on the harbour works of Colombo—the two Breakwaters mentioned pointed out in the bill, the extension of the railway to Galle, the further extension of the railway to Matara, the present extension of the railway to Kurunegala, and the Jaffna survey. (Applause).

The Hon. W. W. MITCHELL.—On behalf of the unofficial members I think I may say that we are quite satisfied with the explanation that has been given.

The Hon. the ATTORNEY-GENERAL added that if there was any money over it might be spent on any other railway extension.

The bill was then read a second time and on the motion of the Hon. the ATTORNEY-GENERAL the Council went into Committee on it.

The Hon. W. W. MITCHELL.—I would like to ask sir, whether any rate has as yet been fixed at which this loan will be issued.

H. E. the GOVERNOR.—No, no rate has as yet been fixed. In fact I may inform the Council that it is not probable that any portion of this loan will at once be raised, the money market in London not being favourable at the present moment for a purpose of this kind. The immediate object in passing this Ordinance is to enable the Crown Agents to obtain money from the banks temporarily for the purpose of expenditure on the works described herein, pending a favourable opportunity for raising the loan. Without some such Ordinance as this the Crown Agents would find considerable difficulty in negotiating the raising of money in the manner described.

The Hon. L. H. KELLY.—Is this to be entirely a sterling loan, sir, or is any portion of it to be applied for locally.

H. E. the GOVERNOR:—I understand from the terms of the preamble that it is a loan which will be raised entirely out of the colony for one million sterling British money. Perhaps the hon. member is not aware that we have yet got two millions of rupees under the local loan Ordinance. Only two millions have hitherto been raised, leaving two millions still to be raised. The Government intend to call for tenders for half a million in January and then there will be 1½ millions to be raised under the Ordinance. We anticipate that that will meet all the demands that can be made locally for some time.

The Hon. L. H. KELLY:—I take it, sir, that a considerable proportion of this loan will not be raised for some years and that is why I asked the question. By that time the inscribed stock will be taken up and I thought that Government might possibly think of allowing a portion of this loan to be placed on the local market. If it is a sterling loan, of course, I can quite understand that that cannot be done.

Council then resumed and when the report of of the Law Officers of the Crown was read,

The Hon. the ATTORNEY-GENERAL moved that the bill be read a third time.

The Hon. the AUDITOR-GENERAL seconded.

The bill was read a third time and passed.

ASSENT TO ORDINANCES.

H. E. the LIEUT-GOVERNOR then announced that His Excellency the Governor had given his assent to the following Ordinances:—Ordinance No 12 of 1893 being "An Ordinance for making provision for the Supplementary Contingent Charges," for 1893, No. 13 of 1893 being "An Ordinance for making provision for the Supplementary Contingent Charges for 1894," No. 14 of 1893 "An Ordinance to amend the Village Communities Ordinance," No. 15 of 1893 being "An Ordinance to amend the Ceylon Court of Admiralty Ordinance of 1891," No. 16 of 1893 being 'An Ordinance relating to the Wearing and Carrying of Knives," and No. 17 of 1893 being "An Ordinance to raise a Loan of £1,000,000 sterling for the improvement of the Harbour of Colombo and for the construction of Railways and other Public Works."

AMENDMENT.

H.E. the LIEUT.-GOVENOR then moved that Council do adjourn *sine die*.

Council rose at 3-5 p.m.

WEDNESDAY, JANUARY 31st, 1894.

Present:—His Excellency Sir Arthur Havelock, President. Sir E. Noel Walker, Lieut.-Governor; the Hons. J. A. Swettenham, Auditor-General; F. R. Saunders, Treasurer; C. P. Layard, Attorney-General E. Elliott, Acting Government Agent, W. P.; P. A. Templer, Government Agent, C. P.; R. Reid. Principal Collector of Customs, R. K. Maclide, Director of Public Works; W. W. Mitchell, Mercantile representative; Dr. Anthonisz, Burgher representative; A. de A. Seneviratne, Lowcountry Sinhalese representative; J. J. Grinlinon, General European representative; T. B. Panabokke, Kandyan representative; L. H. Kelly, Planting representative; M. C. Abdul Rahiman, Muhammadan representative; P. Coomara Swamy, Tamil representative,

Absentee:—H. E Major-General Olive Justice, Officer Commanding the Forces.

THE NEW OFFICIAL MEMBER.

His Excellency the GOVERNOR immediately on taking his place at the Council table and while the members remained standing announced that Mr. MacBride, the Director of Public Works, having been chosen to be an official member of the Council would take the prescribed oath.

The usual oath having been administered to Mr. MacBride, the hon. gentleman took his seat and the ordinary business of the Council was proceeded with.

PAPERS.

H. E. the LIEUT.-GOVERNOR laid the following papers on the table:—Additional instructions passed under Royal Sign Manual and Signet respecting the appointment of official members of the Legislative Council; Statements of Accounts, required by the Ordinance with regard to the Widows' and Orphans' Pension Fund for the year ended 31st December 1893; and a Despatch from the Secretary of State respecting the subject of compensation to members of the Civil Service for the fall in exchange which is as follows:—

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

Ceylon.—No. 257. Downing street, Sept. 25, 1893.

SIR,—Referring to the third paragraph of my despatch No. 187 of the 7th July last, I have had under my most careful consideration the recent decision of the Indian Government with regard to the grant of compensation for fall in exchange to all European and Eurasian officers of the Government not domiciled in India, and I have come to the conclusion that in the main, and as far as different conditions permit, that decision may well be adopted in the case of Ceylon.

2. I do not propose to compare the position of the officers of the Ceylon Government with that of the Public Servants of India, or to discuss how far the lower rate of salaries which prevails in Ceylon may have been counterbalanced by privileges which Indian officers did not enjoy. I will content myself with simply stating what changes I am prepared to approve if they commend themselves to the Members of the Legislative Council and to those whose interest are concerned.

3. The Indian Government has provided only for the case of officers not domiciled in India. Similarly I am of opinion that whatever decision may now be taken should apply only to officers not domiciled in Ceylon.

It may be urged that the permanent residents in, and the natives of, Ceylon are becoming more and more accustomed to use imported articles, and that therefore they are more and more affected by the fall of exchange. Still I cannot admit that their position can be identified with that of European officers domiciled outside Ceylon, nor should I, as at present advised, feel in any way justified in throwing upon the Colonial Treasury the additional burden which would be involved in extending the principle of compensation for loss of exchange to the whole Government service of the Island.

4. Confining, then, my suggestions to the case of officers not domiciled in Ceylon, I would propose that—

(*a*) All officers not domiciled in Ceylon, who shall be appointed to the Public Service of the Colony from and after (say) the 1st January, 1894, shall receive their leave salary and pension at 1s 6d the rupee, and shall be paid, while on service, up to half their salaries at the same rate, provided that the compensation allowance—*i. e.*, the difference between half salary at 1s 6d and half salary at the market rate of exchange—shall not be pensionable.

(*b*) All officers at present in the Service who do not now enjoy the privilege of family remittance, but who are entitled to leave salary and pension at 1s 10½d the rupee, shall in future continue to be entitled to pension at 10½d the rupee, but shall receive leave salary only at the rate of 1s. 6d. the rupee, and, on the other hand, shall be paid up to half salary while on service at the rate of 1s. 6d. the rupeee. Such compensation allowance not to be pensionable.

(*c*) All officers who now enjoy remittance prvileges for family purposes, and whose interests would therefore be injuriously affected by the proposed change, shall remain untouched.

5. The effect of the above will be, in the case of officers not domiciled in Ceylon, gradually to make 1s. 6d. the recognized rate for the rupee. You will understand that I am prepared to sanction these proposals if they are adopted by the Legislative Council and accepted by the officers to whom they are intended to apply.—I have, &c., RIPON.

LAND UNDER PADDY CULTIVATION.

The Hon. T. B. PANABOKKE:—I beg to give notice sir, that at next meeting of Council I shall move for a return (1) shewing the number of applications for the purchase of land capable of irrigation and intended for paddy cultivation since 1888; and (2) the number and extent of "hen" cultivated during two years preceding the abolition of the grain duty and two years after.

RULES UNDER THE FOREST ORDINANCE.

The Hon. L. H. KELLY:—I beg to give notice, sir, that at next meeting of the Council I shall ask when the Rules and Regulations under the Amended Forest Ordinance are to be issued. I asked this question in October and the answer that I received from the Lieut.-Governor was that he hoped very soon to be able to lay the rules before us. The planting community are rather interested in this subject and if I can get an answer today I shall be very much obliged. If I do not get an answer today I shall give notice of the question for next meeting.

H. E. the LIEUT.-GOVERNOR:—I may state at once, sir, for the information of the Council that the difficulty in the way of issuing these rules is that additional suggestions have been received since the time at which I thought consideration of the matter was full and complete, and it is in consequence of the desire to give attention to these suggestions that the delay has occurred.

The Hon. Mr. KELLY:—From the reply that I have received, sir, I am not sure whether I should take up the position of giving notice that I will ask this question at the next meeting. Might I ask whether it is likely that the rules and regulations will be issued within the course of the next month or two or three months. If I got a definite reply—and I should really like to get a date—I should be perfectly content to allow the question to remain as it is; I do not wish in any way to push or harass the Government, and I am sure the planting community will be only too ready to help them; but as we have an Ordinance and that Ordinance is really of no use without the Rules and Regulations, the sooner we get these the better.

H. E. the LIEUT.-GOVERNOR:—If the hon. member will give me an assurance that all the parties interested in these Rules will agree, I will give him an assurance that the Rules shall be promulgated on the following day.

The Hon. Mr. KELLY:—Who should agree? The Sub-Committee to whom they may be submitted?

H. E. the LIEUT.-GOVERNOR:—The different parties affected by them, one party being those on behalf of whom the hon. member has spoken.

The Hon. Mr. KELLY:—The Government might issue the Rules and Regulations and submit them t

the Sub-Committee who sat on the bill. I cannot undertake to guarantee that every member I represent in this Council would be of the same mind regarding them.

H. E. the LIEUT.-GOVERNOR:—I should not object to that course as it would relieve me of a considerable amount of trouble, but the Government would, I am afraid, only be transferring its difficulties to the Sub-Committee. If the community will accept them as they are now the Rules can go out at once.

The Hon. L. H. KELLY: I could hardly say that we would accept them until we have seen and considered them. Send them to the Sub-Committee or to the Planters' Association.

The discussion was not continued and Council proceeded to the next business.

THE PREVENTION OF COCOA-STEALING.

The Hon. L. H. KELLY asked—If the Magistrates appointed in the districts where cocoa-stealing is especially prevalent have sent in their reports to Government; if so, to move for the report and papers connected therewith. The importance, sir, of dealing with the question of cocoa-stealing has been very much felt indeed by all those interested in the cultivation of that product. There are only certain localities where cacao is grown and I know the difficulty that the Government have in putting a stop to depredations on any product of the sort and their objection to any special legislation but special legislation has been resorted to in many cases, and as instances I would refer to cattle and coffee-stealing and the carrying of knives. I feel that I can hardly say much on the subject just now. The reports and papers have just been handed to me and I have not had time to read them, but what I would now urge upon Government is that if the reports sent in by the magistrates do not show that the present state of the law is sufficient to put a stop to the amount of cocoa-stealing that goes on and to get at the receiver who is really the person that the producer wishes to get hold of —and I speak in the interests of the native as well as the European cultivator—they should with the advice of the Attorney-General, endeavour to bring in some law that would act as a deterrent and achieve the desired object. As I have already said the papers have just been handed to me and therefore I do not know their contents, but while I shall read them afterwards I will be very glad to have a statement now from any member of the Government with regard to what is in them.

The Hon. W. W. MITCHELL seconded the motion.

H. E. the LIEUT.-GOVERNOR:—I beg leave, sir, to formally lay on the table the four reports which have been made by the magistrates in the four districts in which the Whipping Ordinance giving special powers has been brought into operation. The last of the reports from the Magistrate of Galagedera only came before me this morning and sufficient time has not been allowed for the consideration of them. I may say, however, that the effect of them is that in those four districts cocoa-stealing has to some extent diminished. In the report of one of the magistrates—an old and experienced criminal lawyer to whose opinion much weight attaches—the suggestion is made that the receiver should be got at, and that the fact that this was not done was the great obstacle in the way of further diminishieg cacao-stealing. That is a very good suggestion to make, but it is not only in Ceylon, or with respect to cacao alone, that the difficulty of getting at the receiver is experienced. It is within the knowledge of the hon. member that the Planters' Association made some suggestions in July or August last one of which was that the old law should re-enacted. That proposal was fully considered, and the result of that consideration was to show that such provisions of Ordinance 2 of 1879 as had not been from time to time continued and were not enacted in the Ordinance of 1885 were dropped with the full concurrence of all the members including the late representative of the planters Mr. Downall. On referring to "Hansard" I find that when the bill which became the Ordinance of 1885 was introduced, there was an emphatic concurrence in all the provisions by the planting member. The Attorney-General markedly and pointedly called attention to the omission of certain provisions which were in the previous Ordinance 2 of 1879. In the Ordinance 9 of 1874 the registration of all purchases of coffee was required. When that Ordinance came to be re-enacted in Ordinance 2 of 1879 that provision was dropped and for the original provision with respect to the registration of purchases there was substituted the registration of carriers. When the bill which became Ordinance 9 of 1885 was introduced, both the provisions were omitted altogether and there was as I maintain entire concurrence in their omission. I may state too, sir, on the authority of one of our most faithful Civil Servants who was at that time a Magistrate in a planting district, that these provisions of the law were inoperative, and I can quite understand that that was the reason for their being dropped out. Another reason for their being dropped out was that the Ordinances in which they were first inserted were merely temporary and the Ordinance of 1885 was a permanent one. In other respects the provisions of the original ordinance are continued, and other provisions were to prevent loitering and lurking on estates and to prohibit absolutely the purchase of produce from a cooly employed on an estate. Another difference in the later law was its greater stringency and greater severity of the punishment. With regard to the reports of the magistrates, they show, speaking generally from a cursory perusal of them, that there have been improvements under the operation of the Ordinance, and in addition I have noticed that, in cases which have come before Government prior to the execution of punishment. I noticed that in one case the representative of a very large cacao estate stated that cocoa stealing was very much less than it was this time last year, and further that the loss now was not more than half what it used to be. In another case a proprietor, who was previously loud in his complaints about the operation of the Ordinance, said that he was now quite satisfied. I mention these incidental things coming to my knowledge as indicative of the better working of the Ordinance and the diminution of cocoa stealing. I believe that the great difficulty was—and we had the same difficulty in the West Indies in regard to sugar cane—in not having sufficient or reliable watchers. In one case to which I referred the improved state of matters, I was informed, was brought about by the proprietor having on the suggestion of the resident magistrate, taken the precaution of going to the headman and getting the headman to recommend and guarantee to a certain extent, employes as watchmen. I know on the other hand of proprietors objecting to that course, characterizing it as a levying of black mail. I think, sir, it need not be and should not be characterized as such. In the last case of cocoa stealing which came before me the watcher himself was accused. The hon. member has asked the Government, if it were dissatisfied with the results now reported by the Magistrates to adopt some special legislation, but I do not see how much

farther the Government can go. We have already special legislation of flogging. The suggestion of the experienced Magistrate to whom I referred to get at the receiver is one very difficult of attainment, but I would repeat what was given to me as the experience of a Magistrate in one district—I think it was the district of Matale. Sometime ago steps were taken to watch the shop of a receiver and the result was that he very soon discontinued his operations. I mention that in support of what I have said as to more being done in the direction of watching. I have made an answer, sir, which is perhaps a little in opposition to what the hon. member would wish, but I would assure him that if any other more effective remedial measures can be effected they will have the careful consideration of Government. In resuming his seat the Lieut.-Governor was understood to say that the hon. member was perfectly correct in saying that the natives suffered quite as much as the Europeans by the cocoa thefts.

The Hon. L. H. KELLY:—I cannot but express my regret, sir, at the reply which has been made to me by Government. What I asked was that if he Government were not satisfied with the measures at present in force and if the reports sent in by the Magistrates were such as to show that cocoa stealing could not be repressed by the powers possessed at present they might take some special steps to deal with the matter. My hon. friend has met me with two cases which he said came before him casually. Sir, I did not come here to ask, and I would not come here to ask, for any legislation to put a stop to what is very rife now in certain districts, if I were not supported—not by two casual cases, but by the whole Planters' Association of Ceylon and specially by the Northern districts Planters' Association, the members of which have suffered considerably. The matter is one upon which there is a strong feeling among all the planting community and I regret very much the answer I have received. I do not for a moment ask Government to do anything that it cannot legally and properly do or to do anything beyond its proper sphere; but when men who are doing much towards the prosperity of the colony come and complain of grievances—they do employ watchers and my hon. friend has stated that even the watchers steal—and if it can be shown, as it was in the case of cattle and coffee stealing, that further protection is required for any special product, I do think that instead of giving such an answer as I have got from the Colonial Secretary today, the Government should watch what is occurring and then answer by trying to do something for those who suffer so much from the theft of cocoa.

H. E. the LIEUT.-GOVERNOR (somewhat warmly). I wish with the permission of the Council to make only one remark as the hon. member has so completely misunderstood one. My concluding remarks were precisely in the terms of the remarks with which the hon. member has just concluded.

The matter then dropped.

CIVIL SERVANTS AND THE DEPRECIATION OF THE RUPEE.

The LIEUT.-GOVERNOR moved :—That this Council is prepared to vote the money necessary to give effect to the proposals contained in the despatch of the Secretary of State, No. 257 of September 25th 1893, for granting compensation for fall of exchange to all officers not domiciled in Ceylon, and not now enjoying remittance privileges for family purposes. He said :—The proposals to which reference is made are contained in the despatch which I have today formally laid on the table of the Council and which for the convenience of members has been circulated amongst them. I may state that it was sent to them merely for their convenience, and I wish it to be understood that there was no great desire to hurry or expedite any decision of the Council on the subject. The course of circulating it two or three days before the meeting was adopted under the impression which I had at the time that there would probably be no other meeting within a short time. To certain officers, namely those who are not domiciled in Ceylon, and those who do not now enjoy the privilege of family remittance the Secretary of State has been good enough to sanction with the approval of this Council, the concession of drawing half of their pay at eighteen pence the rupee. This concession it will be observed, is accompanied by the condition that another privilege now enjoyed by the whole service of drawing their leave salary at a certain higher rate, is to be withdrawn. Sir, the voluntary generosity of the unofficial members of the Council was expressed in the 23rd paragraph of the Committee on the Supply Bill of last year in which the position of public officers owing to the depreciation of the rupee was recognised, and it was recommended that the whole service should have the privilege of family remittance to the extent of one-half of their salary and at the rate of eighteen-pence. That generosity of which I have endeavoured in this Council to express the appreciation of the Public Service, assures me that the unofficial members at least are quite alive to the position of the public servants in the matter, and relieves me of what I cannot but feel an unpleasant duty in laying the case before the Council. It is unpleasant because of the personal and pecuniary character of the application. I should explain however, sir, what no doubt hon. members have already observed, that the Secretary of State's proposal goes a little further than the recommendation of the Committee of Supply last year. It goes further than the recommendation inasmuch as it proposes that half salary at the rate of eighteen-pence the rupee should be allowed to all the Public Service not domiciled in Ceylon and not only those who have occasion to make family remittances. The proposal I may say has been accepted by a limited number of the service, only, those who do not contemplate taking leave and who have therefore nothing to lose by the withdrawal of the privilege of having leave salary at a higher rate, and it has been thought only an act of justice to those that they should not suffer by any delay at the instance of the dissentients and that the consent of this Council should be sought in order to enable them to enter on the enjoyment of the concession. On the other hand a large body of the public servants, a very great majority, I may say, about 300 are disinclined to accept the proposal of the Secretary of State—those especially, I may state by way of illustration, who have a large amount of leave at their credit and who have for sometime been in the expectation of enjoying that leave at the privilege rate of 1s 10½d. It would be a positive loss to them to accept the proposal of the Secretary of State—a loss which would not be recouped for a great number of years. Naturally those officers in a greater or lesser degree according as they have more or less leave at their credit, are disinclined to accept the proposal of the Secretary of State, and these dissentient officers have addressed a respectful memorial to the Secretary of State pointing out the precise effect

of his proposals which they hope he will be able to appreciate. In that memorial the public officers have asked the Secretary of State to reconsider various points, the first being that all public servants not domiciled in Ceylon who have not the privilege of family remittance be allowed to draw half their salary while on service at a rate of not less than eighteen-pence the rupee. That is the concession which the Secretary of State has made; and further they ask that all public servants who have the privilege of making family remittances be allowed to draw half their salary while on service at the rate of eighteen pence the rupee, in so far as they do not exercise the privilege of making family remittances at the higher rate. I may explain, sir, that that is asking participation in this concession by a class whom the Secretary of State proposed to exclude and whose exclusion it is felt would entail hardship. There are two officers at least to my knowledge who have all along had the privilege of family remittance, but whose circumstances and the age of their children have never permitted them to avail themselves of it. One officer is the senior of a class on his promotion from which he will lose that privilege, so that that officer really would have gained in the past and would gain in the future nothing whatever if the Secretary of State's proposal were strictly adhered to. The second proposal therefore is that they should be permitted to draw at eighteen-pence in so far as they do not avail themselves of the family remittance privilege to which they are entitled. I might illustrate it in another way. There are some public officers who are entitled to send family remittances, but their circumstances do not permit them to remit anything like half of their salary, only a very small portion of it, and it does seem rather hard that these officers should be excluded from any compensation merely through the accident that they were not able to avail themselves of some other privilege. The third proposal is that the privilege of drawing salary at 1s 10½d while on leave should be left untouched. That is a point to which the public officers attach much importance. They feel that the withdrawal of that concession is a taking away with one hand what the Secretary of State in the present concession gives with the other. The fourth point which the public servants have asked the Secretary of State to reconsider is that the concession granted should be retrospective to the date on which a similar concession was granted to the Public Service of India; and I think the public servants here have some ground for making this request inasmuch as—as we know now from Parliamentary papers—so long ago as September 1892, sixteen months ago, Your Excellency addressed the Secretary of State on the subject. The reply of the Secretary of State was to the effect "Wait till you see what is done in India." We have waited, sir, for more than twelvemonths, and the decision in respect of the Public Service of India was given towards the latter part of last year and was made retrospective to—I speak under correction, but I think it was made retrospective to a day in April last year Possibly that date is fixed from the circumstance that the Indian year begins in the month of April. It being the case that our application has been so long before the Secretary of State and having been avowedly delayed and adjourned to wait the decision in India, I think we are not unreasonable in asking that in our case also the concession should be made retrospective to that date. In reference to this memorial which is in course of transmission to the Secretary of State I have the Governor's authority for stating to the Council that his Excellency feels in a position to give his support to the prayer of the public officers on these four points. With regard to the important point of the cost of the Secretary of State's proposal it is rather difficult to make an exact calculation because of the circumstance that leave varies so much, but taking the actual figures of the year 1892 which will not be in any way influenced by the present position, I am advised that if the proposal of the Secretary of State were adopted allowing all public officers not domiciled in Ceylon to draw at 1s 6d the cost to the public revenue, assuming the rupee to be at 1s 3d, would be about £6,676 sterling. In other words the difference between 1s 6d and 1s 3d in the salaries of public officers, less leave salary at 1s 10½d would amount to £6,676 sterling or something like R90,000. If, however, the prayer of the public servants is entertained and granted the cost would only be something like £8,333 sterling or R130,000. The only concluding remark I would like to make is an expression of the regret which I feel that this privilege which it is proposed to concede to only apart of the public service of which I happen to be a member, will not be more extensively participated in. It is within the knowledge of the community from the dispatch which has been published that His Excellency contemplated that this privilege of the higher rate should be enjoyed by the whole Public Service; but the cost and perhaps the different circumstances of those whom it is proposed to benefit has precluded the Secretary of State from entertaining the proposal that the others should participate in it. I say it is a matter of regret to me because it is with some compunction that I take a privilege which has been denied to others. I do not think I need say anything more but simply put my motion before the Council.

The Hon. R. K. MACBRIDE:—I beg, sir, to second the motion of H. E. the Lieut.-Governor; as I am in no way affected by it I cannot be prejudiced in any way.

The Hon. W. W. MITCHELL:—Sir, the motion before the Council is one of a somewhat complex nature. It has been dealt with at such length and so fully by the Lieut.-Governor that it is unnecessary for me to recapitulate the details of the manner in which the different members of the Service are affected by the conditions put forward in the dispatch of the Secretary of State. The Lt.-Governor has stated that the Sub-Committee on the Supply Bill of 1892 made a recommendation which is as follows:—

"That some measure of relief be given to all officers who have not the privilege of remitting allowances for their families to Europe at special rates of exchange.

"If the Unofficial Members may express an opinion, they would suggest that the standard when relief may be given should be fixed at 1s 6d the rupee, and that whenever exchange fell below that sum, the Government should provide the difference in exchange below that amount for remittances not exceeding half the amount of the salary of a public Officer.'

Nothing was done on that occasion, but the members of the service have continued to press upon the Secretary of State the position they were in and the necessity for some relief. This has resulted in the dispatch which we have now before us and the proposals which have been already alluded to. What I understand the members of the service still further desire is that all leave salary should be continued at 1s 10½d,

and that those members of the service who have the privilege of making family remittances should be allowed to draw half salary while on service at 1s 6d to the rupee in so far as they do not exercise the privilege of making family remittances at the higher rate. The case of officers under the third class seems to me to be a very hard one indeed. They are especially poorly paid and leave to them would seem to me, unless they got leave pay at 1s 10½d, to simply mean starvation; it would I believe prevent many from taking the leave which undoubtedly to all men becomes necessary sooner or later. The salaries of the service as a whole I think are—they must be admitted to be—very and they have no means of adding to their income because they are practically prevented from engaging in any mercantile pursuit and have no means therefore of investing as other people have. The total cost as has been stated would be something like a 8,300 if the proposals were acceded to that have been put forward small as compared with the salaries paid in India, by the Lieut.-Governor. On the other hand if only the proposals of the Secretary of State are adopted there will be a saving of something like £1,700, an amount which is scarcely worth saving in the circumstances. Inasmuch as it appears to me that the proposals which are made fn the resolution do not go far enough I would move an ameddment to the following effect which might be added as a rider or addition to the motton namely:—

"At the same time the Council would be willing to vote the amount that would be necessary to provide for the payment of the salaries of the officers in the following manner, viz, that all public servants not domiciled in Ceylon who have not the privilege of making family remittances be allowed to draw half their salaries while on service at a rate not less than 1s 6d per rupee; that all public servants who have the privilege of making family remittances be allowed to draw half their salaries while on leave at the rate of 1s 6d the rupee in so far as they do not exercise the privilege of making family remittances at the higher rate that the privilege of drawing pay while on leave at 1s 10½d be left untouched; and that the concession be retrospective to the date on which a similar concession was granted to the Government service in India."

The Hon. J. J. GRINLINTON:—Sir, I have much pleasure in seconding the amendment proposed by my hon. friend. I have taken some little interest in this matter, and I think I know the circumstances of many men in the Public Service who would be debared from taking their leave were the regulations to be such as are named in the Secretary of State's despatch. I think it can be said without doubt that we have a Public Service in Ceylon that is not surpassed by any public Service in the world, and it has been my privilege for many years to be more or less connected with them. It is not fair or right that when a concession of this kind is given by the Secretary of State with one hand, a privilege which has hitherto been enjoyed should be withdrawn with the other hand, and I for one strongly object to it. I trust the members of this Council will show their being on the subject by supporting the amendment of my hon. friend. The circumstances have been well stated by the Lieut.-Governor and knowing them and feeling as we do I trust that our vote will be unanimous in support of the amendment of my hon. friend on my left.

The Hon. M. C. ABDUL RAHIMAN said:—Sir, the fall in the value of the rupee and exchange has terribly affected the Civil Servants of this colony in the matter of remittances. Those officers who were employed prior to 1872 are fully entitled to receive their salaries in sterling, but they were deprived of that by the change of currency during the Robinsonian regime. Since then the rupee's value has gone down and is still going down. The proposal of the Secretary of State is to make good the loss to a certain extent and, as his lordship is fully aware, the Civil Servants of India receive twice as much as Ceylon and the Ceylon Civil Servants are therefore entitled to receive special consideration. The depreciated rupee is playing the worst part with those who have to make remittance home for their families and other purposes, because the natives of Ceylon holding high appointments are not in the habit of remitting money to Europe unless for educating their children. The difference in value between the much-abused silver rupee and the gold sovereign is easily mended, if the home Government are prepared to take the risk and add more silver to the weight of the rupee equivalent to ten rupees to a sovereign. Sir, it is not a liberal policy to draw any distinction between the domiciled and those not domiciled. Public servants should be equally treated and the Indian practices should not be tolerated in Ceylon. My opinion is, with regard to the grant of compensation for fall in exchange, that all the civil officers of Government should be treated on the same principle as any officer who has to make *bona fide* remittance to Europe for family purposes or to redeem debts; and that compensation allowances for loss in exchange should be allowed on two-thirds of the salary and be calculated at 1s 6d per rupee. When the value of the rupee is raised higher than the market value, in paying the salaries of the officers no doubt a burden falls upon the Colonial Treasury, but I hope there is no occasion for dread by the tax-payers as to any further burden coming upon them. The general public anticipate a reduction of the duties upon industrial materials and look for a saving by the abolition of the grain duties. The low value of the rupee not only affects the Treasury, but more seriously the import trade of this colony.

The Hon. P. COOMARA SWAMY:—Sir, not knowing much about political economy, I cannot say whether the remedy proposed by the hon. the Muhammadan member to increase the value of the rupee is he best one. (Laughter) I leave that question to those who are versed in political economy; but with regard to the subject before the Council, I regret that a difference should be made—a difference which never has been made since the British Government was established here—between the European officers and the native members of the Service, by the use of the expression "not domiciled," which is a very peculiar one. I think it is unfair that the native Civil Servant who is domiciled in Ceylon, simply because he cannot make up his mind years beforehand whether he will go and live in England should be deprived of the privilege which his brother officers are to get now. Secondly I object to our coming to any decision on the subject just now, because we have no papers before us except the Despatch of the Secretary of State. His Excellency the Lieut.-Governor quoted some paragraphs of a memorial to the Secretary of State, which we have not before us and we do not know how it has been argued out. There must, I think, be further correspondence, and also the views of a large number objecting to the proposal of the Secretary of State, and before we come to a decision, it is important that all the papers should be before us—not only the views of those who are in favour of the proposal but of

those who are against it. The amendment proposed by my hon. friend the member for the mercantile community cannot be entertained for a moment, for we know very well that our funds are not sufficient for public purposes. When several things were proposed to be done by the Sub-Committee of this Council recently the Lieut.-Governor said there was no money for the purpose. Also in the last discussion on the subject of retrenchment the hon. member who now proposes the amendment was one of those who said there should be retrenchment in the Public Service. Somehow or other he has changed his views, and, instead of retrenchment he proposes to give away R130,000 a year, which is a large sum to saddle perpetually on the Colony. To state that the Civil Servants are not well paid is a mistake. To say that a small Colony like this is to be governed by the salaries paid in India which is such a very much larger place —to say that because magistrates there get R30,000 a year the magistrates here should get a similar sum, the jurisdiction of the former being about ten times greater than the latter—or to say that a Government Agent here should get between R30,000 and R40,000 like perhaps the Collector of Madura—when many a Collectorate in India would nearly equal Ceylon. I say to make such a comparison is in the circumstances most absurd. On the ground that the Civil Servants are fairly well paid now, on the ground that an additional burden should not be imposed on the Colony, and on the ground that we have not all the papers before us to enable us to consider the subject fully, I for one shall vote against both the motion and the amendment.

The Hon. L. H. KELLY:—I am very sorry, sir, that I shall also have to oppose both the motion and amendment. The unofficials of this Council only last October came to the Council and pointed out that they considered that the number of officers in the Civil Service was far in excess of the necessities of the Service (Applause.) and they went further and stated that they considered that the salaries should be increased while the number of officers should be diminished. We were met with a straight blank-wall vote; instead of our wishes and impressions being even listened to for a moment, the official members of this Council got up and informed us that the multiplicity of their duties in marrying and divorcing people and things of that sort were so great, that they really had a great deal more to do than the unofficials imagined. My hon. friend who has just spoken has referred to the Civil Service of Ceylon and the Civil Service of Madras, and I wish at the outset to say that I do not for one moment agree with my hon. friend in saying that the Civil Servants of this Colony are sufficiently well paid. I say they are not; but what I do say is there are a great many more officers than there is any necessity for, and I would quote what I said on 25th Oct. last on the question of the reduction of the provincial establishments debate. I said:—

Now let us take, for instance, the figures for the Madras Presidency with an area of 142,000 square miles and a population of some 36,000,000, and a revenue of 120,000,000 rupees and about 158 covenanted civil servants, and Ceylon with an area of 25,000 square miles, a population of about 3,000,000, and a revenue of 18½ millions with 83 civil servants to look after about one-twelfth of the population of that of Madras and a very small proportion of the revenue.

I must say I am surprised at seeing my hon. friends on my left (Messrs Mitchell and Grinlinton) though I must only speak in regard to the Mercantile Member, because my hon. friend for the General European Community was not present on the occasion—I am surprised, after the way in which he supported me on the question of the reduction of provincial establishments, getting up here today and proposing as an amendment that we should tack on so many more thousand rupees to the cost of the administration of the Colony. I will come here at any time if Government will only meet the unofficials, if instead of any sentimentality with regard to the question of a Commission or Committee the Government will only go into the question in a thorough spirit and try to reduce the expenditure of the Colony by a reduction of establishments—then, sir, I shall be only too pleased to come forward and see if possibly the Civil Servants' salaries cannot be doubled; but under present circumstances, sir, I see no possibility of that being done—I see no possibility of getting the Government to meet the unofficials in any way. I may be told probably that I signed the report of the Committee on the Supply Bill for 1893, and that my signature was thereto advising that the Civil Service be paid at the rate of 1s 6d. Perfectly true; but when I signed that report, sir, I was advised there was going to be a very considerable reduction in establishments, owing to the doing away with the staff required for the collection of the paddy-tax (Hear, hear). And it was when I saw that that reduction was not made—and really and truly there has been hardly any reduction at all —it was then that I began to think—and it was then that the unofficial mind began to think too—that it was quite time some step was taken to relieve the position of Civil Servants, and that the proper relief for that was to reduce the number of offices and increase the salaries. I know that there may be a difficulty in the case of a Governor who has succeeded another Governor who has just made a large number of fresh appointments, but it is our duty as members of the Legislative Council not to look into these difficulties, but to look after the revenue of the colony, and if I could see my way to getting many of the gentlemen holding high positions in the Civil Service out of the difficulties in which it is well-known that they are, I would be the first to try to help; but as things are at present I cannot vote for what is proposed, though, had I been met in a differenent spirit than I was, I should have been only too happy.

The Hon. P. D. ANTHONISZ:—Sir, with regard to this motion, the question is—who are the Officers domiciled in Ceylon? A domicile may be changeable. Is the domicile a domicile of origin or of choice? Some of the officers who are serving in Ceylon at present may out of choice or necessity live here altogether, and others may be returning to Europe after their period of service is over, or when pensioned. Officers in the Service, born in the country, some of them, on retiring from the Service and pensioned, live by choice in Europe. Under these circumstances the distinction is undesirable. Public officers are paid according to the office they hold and the service they render to Government. On these grounds I think this motion will not be acceptable to officers of this colony. The Despatch of the Secretary of State on the decision of the Indian Government to grant compensation to officers in the Indian Service for fall of exchange is not applicable to the Colonial Service. The Secretary of State admits that the pay of the officers of the Colonial Service should not be compared to the liberal pay given to officers in the Indian Service and in recommending compensation to be made to officers not domiciled in the island states that the prices of imported articles

have considerably increased since the fall of the rupee, and that those used to a civilized modes of living must also suffer in a great way. When such is the case where is the need for any distinction? Take for instance the subordinate service where the pay is small and compare the conditions of the natives holding Government appointments. Every one of those employed use imported articles—hats, watches, penknives, umbrellas, some imported boots and shoes, clothing made of wool, silk and calico and also articles of food and drink. Most of these articles are imported from Manchester, Birmingham and Sheffield. On entering the Service officers who have been promised a certain pay when the rupee was of a certain value should be paid accordingly, and officers who enter the service in the future should be made to understand what the value of their salary would be in British coin. This I think would be equitable. The values fixed on the rupee at 1s 10½d for pensions and half pay leave should I think be continued; and the proposal to allow 1s 6d per rupee for one half of the salary, and to draw leave pay at the same rate, 1s 6d, instead of 1s 10½d, is a measure which I think will not find favour with officers of the colony. All officers who enjoy remittance privileges for family purposes should remain untouched whether they agree or not to the proposal of the Secretary of State.

The Hon. A. DE A. SENEVIRATNE:—I think, sir, that the unofficial members of this Council should view this question from the point of view of how far the revenue of the Colony will be affected by the proposal made by the Secretary of State as well as by the proposal made by the hon. the Mercantile member. That is the chief point for our consideration. The other is as to the distinction that is made between different members of the Service. As regards the first point, it has been stated that the proposal made by the Secretary of State, will cost the Colony an additional sum of R90,000. The sum was mentioned in sovereigns, but I think that when we are discussing money questions in this island we ought to use the word "rupees" and not "sovereigns"—I believe that the engagement with all the public servants is that payment should be made to them in rupees and not in sovereigns. Now, can the revenue afford to give an additional R90,000 a year to the Public Service? A suggestion was made some time back I remember, when the question of retrenchment came up, pointing out in what way it was possible to increase the salaries of the Civil Service, and I said then that if the number of Civil Servants was limited—that is, if the number of Civil Servants who are obliged to go through the higher examinations in England was limited, natives of this country who had a good education and who were found competent to hold responsible offices, could be employed more extensively at lower salaries than those paid to Europeans, and thereby a saving would be made and more money could be distributed amongst the higher Civil Servants. But that point was not even considered, I believe, by the official members of the Council. At any rate, we heard nothing from them with reference to it here. That was the only way that occurred to me of raising a sum, sufficient to pay larger salaries to the Civil Servants; and no other means has been suggested. Whether there are resources of which we are ignorant I do not know. Then as regards the second point I, with some of the other members who have spoken on the subject, regret very much that the question of domicile should have been introduced here. I was glad to hear from H. E. the Lieut.-Governor that the distinction proposed to be drawn between European and native public servants as regards their salaries was not due to any suggestion of Your Excellency. The Secretary of State must be ignorant of the state of things here which is quite different from that which prevails in India when he purposes to lower the status of the natives employed in this Island to the level of the natives in the Indian Civil Service. There, as far as I know, the Europeans try to make a difference between themselves and the natives; but here no distinction of that kind has been observed, the Europeans have not certainly made any difference, and it would be a pity if such a distinction were to be introduced now for the first time in the history of the Colony. We find that among those domiciled in this country there are some occupying very high positions. If I might mention names I would mention that of Mr. John de Saram, the District Judge of Kandy. Is it to be said that his domicile is not Ceylon? Of course a person domiciled in any country may change his domicile afterwards, but can it be said that his present domicile is not in Ceylon? It cannot. Then he will not be entitled to draw half his salary at 1s 6d. He is obliged to live in the same way as men in his position, whether European or native, so it is clearly not the nationality that causes the expense of living, but rather the position held by the person, whatever nationality he may belong to. (Hear, hear.) Then take the case of Mr. Arunachalam, the Registrar-General. Is it that because he is a native his expenses are less than those of his European brother officers? Does he not desire to educate his children and do other similar things, as much as a European does? I say there ought not to be any distinction of that kind. As far as the higher branches of the Civil Service are concerned the number of natives is so very small that it would be a great pity if a difference of this kind were observed. Then, with regard to the proposal, clause "A" applies to persons to be in future employed, that is, from the 1st January 1894, who are to receive their leave salary and pension at 1s 6d the rupee, and be paid while on service up to half their salaries at the same rate. Now taking that clause why should there be a difference between the man domiciled in Ceylon and the man who is not domiciled? Is it to be supposed that the men domiciled in Ceylon do not use articles that men domiciled elsewhere use? The Secretary of State himself observes that the natives of Ceylon are becoming more and more accustomed to use imported articles. It is not because they are natives that they have become accustomed to these things but because they occupy a certain position and they think it is due to their position that they should consume certain articles. It would be wrong therefore to accede to what is proposed, which is merely an increase to one class and not to another. One man would be enabled to draw his salary at 1s 6d, while another man drew at 1s 2½d, or whatever rate the rupee may be. Then comes clause "B.":—

"All officers at present in the service who do not now enjoy the privilege of family remittance, but who are entitled to leave salary and pension at 1s 10½d the rupee, shall in future continue to be entitled to pension at 1s 10½d the rupee, but shall receive leave salary only at the rate of 1s 6d the rupee, and, on the other hand, shall be paid up to half salary while on service at the rate of 1s 6d the rupee. Such compensation allowance not to be pensionable."

I think, sir, that that proposal is also a mistake. Although offering to persons of this class what is

regarded by the Secretary of State as an advantage, it appears to me no advantage at all that men who had been accustomed to receive their leave salaries at 1s 10½d should receive them at 1s 6d. I shall support any movement for the purpose of allowing the Civil Servants to have their leave salaries at 1s 10½d and their family remitances at 1s 6d but as long as this question of domocile is allowed to intervene I am afraid that I cannot support such motion. (Hear, hear). I should like this Council, officials and unofficials alike to consider the amount involved in giving an increase to the Civil Servants, but I think we cannot arrive at a decision in regard to the questions that are raised today until we have fuller information before us. When we have got all the information we can go into the whole question and place before the Secretary of State, figures to show how much revenue will be required to give an increase of this kind. With that view, sir, I wish, if I am in order to move that this question be adjourned in order that we may consider the proposal made by the hon. the mercantile member and the representation said to have been made in a petition by the Civil Servants to the Secretary of State. When we go fully into the question and compare the figures we shall be able to arrive at a satisfactory decision. I therefore move that consideration of the question be adjourned till next meeting.

The Hon. T. B. PANABOKKE :—I wish also, sir, to make a few remarks.

H. E. the GOVERNOR :—Is the motion seconded ?

The Hon. T. B. PANABOKKE :—I second the motion for the adjournment and in doing so I would also make a few observations. I would be the last person, sir, to oppose any proposal for fully considering the financial circumstances of the public officials of the colony, as I think it is to our advantage that we should place them in such easy circumstances as should enable them to devote their whole attention to the public service and not hamper them in their private affairs by falls in exchange or any other circumstance ; but, at the same time sir, this question has come so suddenly upon us, that we are not prepared to discuss it. I think that all the information in connection with this proposed increase should be fully laid before the Council; and also the distinction that has been drawn between the European section of the service and the native section is, I think worthy of further consideration in this Council. I am glad to learn from the last speaker that Your Excellency was not in favour of proposing such a distinction for this reason. Your Excellency can see and judge for yourself whether there is any difference between the native and European sections of the service, whereas the Secretary of State only judges the matter from a distance and from documentary evidence only. In India there is some distinction between Europeans and natives in the service as well as in matters affecting the law of the country ; but, sir, it has been our pride in Ceylon to say that we are in advance of India in having no such distinction. To draw such an invidious distinction now would be a great pity. I understand a[illegible] that in India the native Civil Servants have quite different habits, but from what Your Excellency can see for yourself and from what my hon. friend has stated it will be observed that there is no such distinction here, and they are accustomed to live in much the same way as Europeans and their expenditure therefore is almost equal. The natives also send their children to England for their education and they use English goods. The only point of difference is that they have no family remittances to make, but still I think that Your Excellency and the hon. members of this Council will agree with me that such a small matter ought not to compel us to make that distinction that has been p[illegible]osed. Then there is another matter that should be considered, and that is that one section of the Civil Service, I think do not quite agree to the proposal of the Secretary of State. The amendment made by my hon. friend who spoke first on this side of the house is a matter that deserves full consideration. I certainly support the motion for adjournment of the matter, and as I said at the outset I shall be very glad to consider fully any proposal that may be brought forward for adjusting the financial circumstances of the Civil Servants of Ceylon.

The Hon. T. B. PANABOKKE :—I have great pleasure in supporting the motion before the house, and I shall be very glad that if Government will agree to it in the hope that it would afford a remedy for the opening of small and short roads.

The Hon. W. W. MITCHELL.—Sir, after what has fallen from the different unofficial members it would appear that there has not been sufficient time for them to consider the whole question, and that being the case I would with the leave of the Council, withdraw my amendment and propose that a Committee of the unofficial members be appointed to confer on the whole matter and bring up a report to the Council, say at the next meeting. He did not know when the meeting would be held, but perhaps it will be at no very distant date. I would hope with the approval of the Government to see the whole of the unofficial members put on this Committee, so that there might be no invidious distinction made, and after having fully considered the matter they will no doubt be able to arrive at a decision which will meet the views of all of us.

The Hon. J. J. GRINLINTON.—Sir, as the seconder of the previous motion I beg to second this proposition of my hon. friend, and in doing so I would take the liberty of stating that I think considerable light has been thrown on the subject by this discussion today. I for one can tell Your Excellency that I should be sorry to see a distinction drawn between men born in this country and men born in my own country. (Hear, hear.) We have hitherto in this country steered clear of such distinctions far more so than in India. We live in perfect accord, and I do think the native gentlemen who have attained to a position in the Civil Service and who send their children to England to be educated deserve equal consideration with myself had I been a member of the Service. (Applause.) I therefore think the proposal of my hon. friend a good one, and I trust that good may come of it if Your Excellency and the Council approve of the proposal. (Applause.)

The Hon. L. H. KELLY :—I also beg, sir, to support the resolution of the Council. I think that it would have been a very difficult thing indeed to have continued this discussion and taken it to a vote. I do not think that the eight officials sitting here would themselves like to vote upon what is virtually a question of taking money from the colony and putting it into their own pockets. I think it is far better that the matter should be left over for full discussion by the unofficials who can bring up a report on the subject. I agree very much with what has fallen from my hon. friend who represents the General European Community and I hope the Council will accept the proposal now made by my hon. friend the Mercantile member.

H. E. the LIEUT.-GOVERNOR :—I may say at once that Government readily concurs in the proposal, and I may say further that I had myself contemplated making the proposal, but shortly before I came to the Council I was led to understand that the subject was so fully understood by all the members that there was no necessity for such a course. Especially as that was my original intention I welcome the turn that the discussion has now taken. With regard to what the planting member has said as to the vote which the Official members might have given, I should like to state, sir, that in view of the remarks made by himself and others, I should certainly not have voted on the resolution. One other remark I should like to make on the observations which followed on the point that I noticed myself in stating that Your Excellency in your Despatch which has been published proposed that the concession should be extended to the whole service. The Secretary of State had proposed that it should be limited only to those not domiciled in Ceylon. The reason for that change was the much greater expense of the former proposal by the Governor. Some distinguishing mark had to be made, and the Secretary of State might perhaps have said that the long men should have it and the short men not, a distinguishing test that I am glad was not applied, as in my own particular case I would have suffered. I should like it to be understood, sir, that the object of the Secretary of State was to reduce the amount involved by the proposal. It was very difficult to adopt a distinguishing test that might not be invidious and I am sure the Secretary of State and those who work with him in the Colonial Office were far from wishing to do anything which might have the effect of creating the impression that they had a feeling of class distinction. I may state, sir, that if this proposal goes to a committee of unofficials the official members of the Council and those who were abler than I am to give information, will most readily give all the assistance they can and I for one welcome inquiry. I can well understand the diffiulty which the unofficial members have in understanding a question like this by merely talking across the table.

H.E. the GOVERNOR—I understand that with the unanimous consent of the Council this question is referred to a Committee of Council composed of the whole body of the unofficial members. With reference to the time at which this report may be brought up I wish to say that with the consent of Council I propose after our sitting today to adjourn till 15th February next. If by that time the Committee now appointed are able to present their report the whole Council may take it into consideration.

Council then proceeded to the next business.

CONSOLIDATED ROADS ORDINANCE.

The Hon. L. H. KELLY moved :—"That under existing conditions the introduction of a consolidated Branch Roads Ordinance is most necessary." He said :—I have been rather led astray, sir, in the wording of this by the manner in which it was sent up to me by the Planters' Association. They called the Branch Roads Ordinance but that was wanted by the Planting community generally and, I think by everybody a Consolidated Road Ordinance. We have a Thoroughfares Ordinance, a Branch Roads Ordinances amended and amended and several others, but they are all such a jumble that it is very difficult indeed for any but a thorough lawyer to understand them. The Branch Roads Ordinance of 1861 contains a great deal that I think might very well amended and be eliminated. When it became law in 1861, things were very different from what they are now. One of the grievances which planters have is, under this Ordinance where the collection of the poll-tax comes in, that instead of getting one-third which is provided for, they may get nothing at all. It has now been laid down as the law by the Government Agent of one of the Provinces that no money will be given unless an equal grant is given by the planters. The planters have made towns at places when really and truly there was not a single occupant, and I would ask you to go no further than Hatton, the rent-roll of which I believe is something like R20,000 per annum. Tillicoultry was another place, the planter by his industry is attracting a large native community. More than that he is asked by the Government Agent to collect the money from those who are liable to the poll-tax and in most cases he does so. I know that I did so in my own case sending in a list of 23 or 24. We feel that it is rather hard that when we ask that a grant should be made public for thoroughfares which have been kept up for many years by private enterprise, we should be told that we cannot get anything unless we give an equal sum. That is one thing which I do not think is fair and I should like it to be taken into consideration if the Council agree with me that we ought to have a consolidated Ordinance. I would specially mention one case entailing I think considerable hardship and it is one that I know well. It is a road which connects the main Bogawantalawa road at the Tientsin bridge up to the end of Bogawantalawa estate. That road is not only a public thoroughfare but a Government reservation, and for the last 25 years it has been kept up entirely by the planters. Government sent over that road all their surveyors and people and they have sold in that district over 8,000 acres of land at an average of R200 per acre. Now when one asks for a small sum of R200 for doing up the road the reply is "Sorry we cannot give it to you unless you give an equal amount." I think that is a great hardship, there are a great many other matters in this Ordinance which I cannot go into here but I think if Your Excellency and the Council would listen to the wishes of the Planters' Association on this subject it would be very much appreciated. If there is any difficulty in the way I shall be very glad if a Sub-Committee were appointed and then we might go into the question in its entirety. There is another thing which I would point out. In Ordinance 28 of 1892 amending the Branch Roads Ordinance, clause 11 of the principal Ordinance is amended as follows :—For the words "five members" shall be substituted the words "not less than three or more than five members" and for the words "not less than ten proprietors or resident managers" shall be substituted the words "such number of proprietors or resident managers as shall represent not less than two-thirds of the acreage in the district." When this was passed it quite escaped my attention. It is almost impossible to get together representatives of two-thirds of the acreage of a district and that is a point that I should like to see amended. But taking the whole question of these Ordinances I think it would be for the public good and the convenience of everybody if the Council would agree to a consolidated Ordinance.

The Hon. W. W. MITCHELL :—In seconding the motion, sir, I wish to guard myself against confusion of the Thoroughfares Ordinance with the Branch Roads Ordinance, because I think there is a distinction between them, the Branch Roads Ordinance relating to matters connected more especially with grants-in-aid. There are many amending Ordinances as was pointed out by the hon. the planting member and I think it would be a good

thing to bring the various amendments that have been made into a consolidated Ordinance. The legal advisers of the Government in my experience have apparently a great horror of anything in the shape of consolidated acts. The number of amendments renders the reading of the Ordinances exceedingly confusing to a man who has not sufficient legal acumen to follow all the niceties of the enactments. Therefore I hope that our present legal adviser and Government may see their way to make a consolidated Branch Roads Ordinance which I think is what is desired.

CONSOLIDATED ROAD ORDINANCE.

The Hon. the ATTORNEY-GENERAL :—On behalf of the legal advisers of the Government I desire to say that, as far as I know, the Ordinance which it is now suggested should be amended is in itself a consolidating Ordinance. I am not aware what other Ordinances the hon. member suggests should be consolidated with it. If the hon. member will tell us what Ordinances since that one was passed, he wishes to have consolidated with it I have no doubt the legal advisers will be able to do it, but these Ordinances must be on the same lines as the Ordinance with which they are to be consolidated of. With regard to the legal advisers having a horror of consolidated Ordinances, you have only to look at the legislation of the last few years to see that there has been a great deal of cosolidating going on. I would refer the hon. member to the Village Communities Ordinance, the Ordinance with regard to Irrigation, the Postal and Telegraphs Ordinance, and many others. If the planting community are desirous of a new law I would suggest that they should adopt the course which was adopted before when Mr Cayley prepared for the Planters' Association a consolidated law with regard to Labourers. If we only knew what the planting community want I have no doubt we should be able to draft an Ordinance that would suit them. But the resolution at present before the Council is only that there should be consolidation. What are we to consolidate? What are the points that require amendment? If a planters' road, as I understand it, is not a public road, or public thoroughfare I take it that it is only fair that it should be kept up by the planters; but, on the other hand, if the planters are prepared to hand their private roads over to the public so that they become public thoroughfares then, of course, the duty will be cast on the public to maintain and keep up those roads. I have been unable to ascertain exactly what the position of these roads is. I understand they have never been dedicated to the public—at any rate, no evidence of such dedication is forthcoming. I understand that the Government Agent of the Central Province is quite willing to accept these roads if some grant or dedication of them is made to the public, and then they will be kept out of public funds.

The Hon. L. H. KELLY:—I thought, sir, that I made it quite clear at the beginning that I had been led astray by the way in which this matter was sent up to me by the Planters' Association. What I have asked for now is a Consolidated Roads Ordinance. At the present moment there are the Thoroughfares Ordinance of 1861 and the Branch Roads Ordinance of 1874, and if you take these two Ordinances and read them together you will find that there is a great similarity between the clauses and what I want to know is, whether it is necessary that we should have the two measures. Can we not have one Consolidated Roads Ordinance dealing with the public thoroughfares of the Island, whether grant-in-aid roads or public thoroughfares.

The Hon. the ATTORNEY-GENERAL :—Will the hon. member state the Ordinances that amend the Branch Roads Ordinance over and over again?

The Hon. L. H. KELLY :—You wish me to name them?

The Hon. the ATTORNEY-GENERAL :—Yes.

The Hon. L. H. KELLY :—The Branch Road Ordinance of 1866.

The Hon. the ATTORNEY-GENERAL :—That is consolidated by the amended one.

The Hon. L. H. KELLY :—But it still remains on the Statute Books. However, to go on, there is the Branch Roads Ordinance of 1873.

The Hon. the ATTORNEY-GENERAL :—Also repealed.

The Hon. L. H. KELLY :—Also the Branch Roads Ordinance of 1874 and the Thoroughfares Ordinance of 1884, and the Ordinance of 1892. The Attorney-General kept dwelling on the Branch Roads Ordinance. What I want is to keep out of the confusion about the Branch Roads Ordinance and Thoroughfares Ordinance, and to ask if there is any reason why there should not be one Roads Ordinance for the island. The Thoroughfares Ordinance of 1861 and the Branch Roads Ordinance of 1874 are very much alike. I have read them through very carefully and, speaking on behalf of the Planters' Association, who asked that it should be done I should like this question gone into. I have simply pointed out some of the difficulties that have been experienced. The Attorney-General spoke just now of handing over the roads, but I do not think that you can quite ask a man who has paid a good price for his land to hand the land back again because a road which has become a public thoroughfare has to be repaired. The Attorney-General has taken no notice of the road I mentioned just now as a public thoroughfare and Government reservation. There are no such things now as public thoroughfares; they are all planters' roads and therefore a portion of the commutation tax cannot be handed over, unless a similar sum is paid by the very men who for 25 years have kept up these roads. Therefore the Planters' Association wish, if possible, to have a consolidated Roads Ordinance. I do not care what you call it if it is an Ordinance to provide for the grant-in-aid system and the appointment of Provincial and District Road Committees and we do not have the Ordinances running as they are now. I come here to place these matters before the Council by express wish, but instead of their being received as I think they ought they are criticized in the sense of a mistake having been made as to the Branch Roads Ordinance. What is wanted is a consolidated Roads Ordinance, call it Branch Roads or Thoroughfares Ordinance or whatever you please so long as there is only one clearly stated Ordinance.

The Hon. the TREASURER :—Sir, there appears to be considerable confusion over what is after all, a very simple matter. I gather from what has fallen from the hon. member for the planting community that he thinks there are a great number of Ordinances dealing with roads of various kinds, and that these Ordinances ought to be consolidated into one. Now when he mentioned certain Ordinances, and he was told they had already been repealed and consolidated, he stated they were still on the books. Well, if we passed a Consolidating Ordinance it will not take the other Ordinances out of the book. They will remain there, and the Consolidating Ordinance will add another Branch Road Ordinance and will state the law just as does at present the

Branch Roads Ordinance of 1884 which has been slightly amended by Ordinance 28 of 1892, and is to be read as one with the other. These two Ordinances are the only Ordinances which have any reference whatever to Branch Roads at the present moment. The hon. member says: "I do not wish to refer simply to branch roads but to all roads, there are some roads called Thoroughfares and I want them to be consolidated with the Branch Roads Ordinance, and all made into one." Now there are only two Thoroughfares Ordinances, No. 10 of 1861 and No. 31 of 1884. The Thoroughfares Ordinance of 1861 is a very complex one, and one that cannot be broken up and dealt without much consideration. It has worked extremely well for a great number of years, and when the amending Ordinance No. 31 of 1884 was brought in it was expressly deemed advisable that it should be only an amending Ordinance, and that the questions settled in the Thoroughfares Ordinance of 1861 should not be opened up by introducing what is called a Consolidating Ordinance. I think that if the hon. member will look into the question, he will find that there are matters dealt with in the Thoroughfares Ordinance which have nothing whatever to do with the Branch Roads and that it would be a most difficult task for any person to frame an Ordinance which would consolidate the Thoroughfares Ordinance with the Branch Roads Ordinances. That is so far as Consolidating the Ordinances is concerned, and now we come to the question of the amendments that the hon. member desires to introduce. There is one point upon which the Council will be unanimous, and that is if a person or persons have a private road and they wish to go to the public and ask that public money should be spent upon it, that road must be open to the public,—it must be a public thoroughfare. That seems to me to have been a point on which there can be no difficulty and doubt. It must either be what is called a principal road, that is a road proclaimed by the Governor, or what is called a minor road—you may call it a branch road or any other name, but a minor road under the control of the District Committee. There are only two classes of roads which can have money spent on them from the public funds—public thoroughfares and minor roads—and if any members of the Planting Community have a private road which they wish made into a public thoroughfare, I am sure there is no District Committee in the island that will not gladly take over the road and vote the funds for keeping it up in the interests of the public.

The Hon. L. H. KELLY:—I would ask, sir, whether it is necessary that these obsolete Ordinances should be still kept on the books.

The Hon. the ATTORNEY-GENERAL:—The only suggestion I can make is that the hon. member should take his volume of Ordinances and tear out the Ordinances that have been repealed. The volumes have been printed and issued and I cannot tear them out. I may state, however, for the information of the hon. member, that the Government are at the present moment preparing a revised edition of the Ordinances, which will take out all such Ordinances as have been repealed; but obviously it will not improve in any way the volumes which have been already printed and issued.

The Hon. L. H. KELLY.—Clause 37 of the Thoroughfares Ordinance distinctly states that one-third of the money may be expended in carrying out the provisions of the Ordinance for the repair, improvement, maintenance and formation of any minor road, path, &c. Now, sir, the point that I want to make is that it is now insisted that the road paid for by the proprietor of the land should be handed over to the Provincial Road Committee if there is any grant. It is an extraordinary thing that it is only within the last twelvemonths that this has been enforced. Prior to that the grants were made by the Government Agent and I have had some of them, but lately they have been refused by the Government Agent of the Central Province. Why the law should be administered differently now I cannot see.

The Hon. the GOVERNMENT, C. P.—I do not propose to enter into a controversy as to what has been done during the last twelvemonths and what was done before, but upon the question of whether these roads are public thoroughfares or not I find it exceedingly difficult to follow the arguments that the hon. the Planting Member has employed. He says in the same breath that you cannot ask the owner of land who has bought it from the Government and which is now occupied by a road to hand that over to become a public thoroughfare and yet that while the owner reserves his right to it, it should be called a public thoroughfare.

The Hon. L. H. KELLY:—I beg your pardon. I did not say so.

The Hon. the GOVT. AGENT, C. P.:—If that is not his contention I shall be very glad to hear what is. Every road he has specified in the clause of the Ordinance to which he referred must, I contend, be a public thoroughfare. The Ordinance deals solely and entirely with public thoroughfares, and whenever a road is constituted a public thoroughfare, speaking for the Committee of which I am Chairman, I can say that we are ready at any moment to take charge of it. Till it is established that it is a public thoroughfare we do not consider that we are justified in spending public money on it.

The Hon. L. H. KELLY:—Does taking charge of the road mean taking over the land on which the road is; taking it back from the proprietor and making it Government property.

The Hon. the GOVT. AGENT, C.P.;—I am advised by the Attorney-General that it must be dedicated not to the Government, but to the general public.

The Hon. L. H. KELLY:—Does it cease to be the property of the owner of that land?

The Hon. the GOVERNMENT AGENT, C. P.:—It cannot be the property of both the public and a private individual.

The Hon. L. H. KELLY:—It seems very unfair law.

H. E. the GOVERNOR asked whether the motion was to be pressed to a division and the Hon. Mr. Kelly replied in the affirmative.

His EXCELLENCY then submitted the motion with the word "Branch" omitted.

The Hon. A. DE A. SENEVIRATNE inquired what they were to vote upon as the discussion had been on a different point.

H. E. the GOVERNOR:—Whatever the discussion may have been I imagine that you are expected to vote on the motion.

The vote was then taken as follows:—

Ayes (5).	*Noes* (10).
The Hon. L. H. Kelly	The Hon. A. De A. Seneviratne
" M. C. Abdul Rahiman	" Dr. Anthonisz
" T. B. Panabokke	" the Director of Public Works
" J. J. Grinlinton	" the Principal Collector of Customs
" W. W. Mitchell	" the Govt. Agent, C.P.
	" " W.P.
	" the Treasurer
	" the Auditor-General
	" the Attorney-General
	H. E. the Lieut.-Governor

His Excellency the GOVERNOR announced that the motion had been defeated by 10 votes to 5.

PRIVATE BURIAL AND CREMATION GROUNDS.

The Hon. the GOVERNMENT AGENT, C.P. :—I beg to move the first reading of "An Ordinance relating to private burial grounds and cremation grounds situated within the limits of Municipal towns." This, sir, is the outcome of a recommendation of the Committee on the General Cemeteries Ordinance. That Committee and another departmental Committee discovered in the course of investigations that with regard to private cemeteries in Colombo burials were made without any record or registration of any sort, and it was thought advisable that steps should be taken to provide for registration. I need not detain the Council in giving details of the measure, but simply move the first reading.

The Hon. the AUDITOR-GENERAL seconded.

The Hon. M. C. ABDUL RAHIMAN :—Sir, the rules of this Council provide that every bill shall be published in at least two consecutive *Gazette*'s before the same shall be committed, and this bill has only been published once. On that ground therefore I beg to ask for its withdrawal.

H. E. the GOVERNOR :—There is no motion for the committal of the bill at present. The first reading on the introduction of the bill is now before the Council.

The bill was then read a first time.

The Hon. the GOVERNMENT AGENT, W.P. :—I now move the suspension of the standing orders in order to get the bill read a second time and referred to a Sub-Committee who will no doubt consider any objection that the hon. member may have.

The Hon. the AUDITOR-GENERAL seconded.

The Hon. M. C. ABDUL RAHIMAN :—The Municipalities of Galle and Kandy are interested in this bill as well as that of Colombo and to take the first and second reading at the same time on such short notice is, I think, rather a responsible position for the Council to take up. As far as I am myself concerned, I am quite willing if the Council will agree to take certain suggestions into consideration ; but I might receive suggestions from other people and therefore I would like if the bill were held over till the next meeting.

The standing orders were suspended and on the motion of the Hon. the GOVERNMENT AGENT, W. P. seconded by the Hon. the ATTORNEY-GENERAL the bill was read a second time and the Council went into Committee when the measure was referred to the following Sub-Committee:—the Hons. the Attorney-General, Treasurer, A. De A. Seneviratne, Abdul Rahiman, P. Coomaraswamy and the mover.

THE CONTROL OF GENERAL CEMETERIES.

It had been intended to go into Committee with "An Ordinance to vest the control of General cemeteries situated within the municipal limits in the Municipal Council," but the Hon. the Government Agent, W.P., said he would postpone that item.

THE ADJOURNMENT.

H. E. the LIEUT.-GOVERNOR :—I now beg to move that Council be adjourn till Thursday, the 15th February at 3 p.m. That is the P. & O. mail day I think, but I believe that will not interfere with the business of hon. members who will have dispatched their mails by that time.

The Hon. W. W. MITCHELL :—What is regarded by some as of more importance is that the meeting of the Currency Commission takes place on that day, but I suppose it can be adjourned. It is also mail day, but the mail closes at two o'clock.

The Council adjourned at 5·20 p.m.

THURSDAY, FEBRUARY 15th, 1894.

Present :—His Excellency Sir Arthur Havelock President. Sir E. Noel Walker, Lieut.-Governor ; the Hons. J. A. Swettenham, Auditor-General ; F. R. Saunders, Treasurer ; C. P. Layard, Attorney-General E. Elliott, Acting Government Agent, W. P. ; P. A. Templer, Government Agent, C. P. ; R. Reid, Principal Collector of Customs, R. K. Maclide, Director of Public Works ; W. W. Mitchell, Mercantile representative ; Dr. Anthonisz, Burgher representative ; A. De A. Seneviratne, Lowcountry Sinhalese representative ; J. J. Grinlinton, General European representative ; T. B. Panabokke, Kandyan representative ; L. H. Kelly, Planting representative ; M. C. Abdul Rahiman, Muhammadan representative ; P. Coomaraswamy, Tamil representative.

Absentee:—H. E Major-General Clive Justice, Officer Commanding the Forces.

PAPERS.

H. E. the LIEUT.-GOVERNOR laid on the table the final Report of the Constructing Engineer upon the Haputale Railway, and a Return called for by the Hon. A. De A. Seneviratne, showing (1) all moneys drawn from the general revenue and all moneys raised upon loan for improvement of the Colombo Harbour ; (2) all moneys paid out of the general revenue for interest and sinking fund on such loans; (3) all moneys collected as Harbour dues and paid into the general revenue.

DISPENSARY WANTED.

The Hon. A. DE A. SENEVIRATNE presented a petition from the inhabitants of two villages in the Western and North-Western Provinces, who complained that a good deal of sickness prevailed there and that they had no dispensary. He was sure that if the petition was referred to the Principal Civil Medical Officer a dispensary would be given to the inhabitants. He moved that the petition be read.

The Hon. P. COOMARASWAMY seconded, and the motion was carried.

The Clerk accordingly read the petition.

OPIUM AND BHANG.

The Hon. A. DE A. SENEVIRATNE :—I have also, sir, to present a petition signed by a very large number of people, mostly Sinhalese. There are some 27,000 signatures to the petition but some have been withheld because the persons who obtained the signatures have written down the names of the persons who intended to sign it, in their own handwriting. Still after these have been withdrawn there are upwards of 27,000 signatures. In moving that the petition be read I would like to say that I do not expect the Clerk of Council to read the signatures also, because there are so many. What is desired in presenting this petition is that before the use of opium and bhang gets root in the country amongst a people who have not been accustomed to its use hitherto, some control should be exercised over the sale and importation of the drugs. With regard to bhang there can be no question that the use of it is not of advantage. I think Your Excellency will find no difficulty in putting a stop to the importation of bhang altogether and to the use of bhang either by itself or in conjunction with opium. The use of opium, however, is entirely a different matter for there are people who think that some persons cannot be without it, and that it is very useful for medical purposes and Your Excellency will no doubt take the advice of those competent to advise on a question of that nature. I myself do not go quite the length of what the

petitioners ask as regards opium, but I go further as regards bhang. They only ask that it should be restricted, but I say that bhang should be stopped altogether and that some control should be exercised over the importation and sale of opium.

H. E. the GOVERNOR interposing said there was no motion before the Council.

The Hon. A. DE A. SEREVIRATNE :—I mean to move that this petition be read and I began by saying that in moving that it be read I did not intend to ask the Clerk of the Council to read the list of names.

H. E. the GOVERNOR :—There is no notice of motion.

The Hon. A. DE A. SENEVIRATNE :—No notice of motion is necessary, sir, under our rules. Rule 16 provides :—

"It shall be competent for any member to move that such petition shall be read; but in making such motion, he shall state concisely the purport of the petition together with his reasons for wishing to have it read."

I was simply attempting to give concisely my reasons for asking the petition to be read.

H. E. the GOVERNOR was understood to say that it was all right so long as he stated his reasons concisely.

The Hon. A. DE A. SENEVIRATNE continuing :—As I said it must not be understood that I go the whole length of the petitioners themselves, but I should ask Your Excellency, however, to be good enough to take steps with regard to restricting the sale of opium. I make this remark because perhaps, it might be supposed that as I present the petition I agree entirely with the views of the petitioners. I move that the petition be read :—

The Hon. T. B. PANABOKKE seconded.

The Hon. W. W. MITCHELL :—Are we in order in speaking to this motion ?

H. E. the GOVERNOR :—I think not.

The Clerk then read the petition as follows :—

To His Excellency the President, and the Hon. Members of the Legislative Council of Ceylon. The Humble Memorial of the Undersigned Natives and other Residents of Various Races, Religions and Classes in the Island,

Respectfully Sheweth,

1. That the people of Ceylon have never been known to grow and prepare Opium and Bhang for sale.

2. That the Sinhalese and Tamils, who constitute the vast bulk of the population, have not been accustomed to the use of these drugs.

3. That until of late years, their use in this Island was almost entirely confined to a limited number of Malays and descendants of immigrants from the Straits Settlements and Far East ; but latterly, in Colombo especially, through the facilities offered in licensed native shops for the sale of both Opium and Bhang, Sinhalese, Tamil and even Eurasians are found in increasing numbers among the customers and users of these drugs.

4. That your Petitioners verily believe that the indiscrimatate use of these drugs will rapidly spread to the serious injury, moral and physical, of peoples never accustomed to them, if their sale is not put, under official and medical restrictions and regulations.

5. That there is nothing in the case of Ceylon or its people to prevent the application of the same regulations for the sale of the drugs as prevail in the United Kingdom, or at the very least as have been granted, for the protection of the Burmese.

6. That the Sinhalese, Tamils and other natives of Ceylon have as strong a claim on the attention of the British Government in a case of this kind, as had the Burmese.

7. That the priests, teachers, leaders of the Buddhists, Hindus and Mahammadans are quite as urgent as Christian ministers and missionaries in desiring these restrictions and regulations.

8. That your Petitioners therefore humbly pray that the importation of both Opium and Bhang into this island be, at as early a date as is possible, prohibited, save through the agency of the Civil Medical Department of this island, and that their sale be restricted to the regularly licensed apothecaries and dispensers under medical prescriptions ; while if it is thought necessary to meet the cases of any confirmed consumers of the drugs in quantity, a register be opened for such, after the manner adopted in Burma.

And your humble Petitioners will ever pay.

IRRIGATION, PADDY CULTIVATION AND THE ABOLITION OF THE GRAIN DUTY.

The Hon. T. B. Panabokke moved for a Return showing—(1) the number of applications for the purchase of lands capable of irrigation and intended for paddy cultivation since 1888 ; (2) the number and extent of hên cultivated during two years preceding the abolition of grain duty and two years after. He said :—The motion is a very simple one and I think the reasons for it are also very obvious. I would only make one or two remarks with regard to getting a complete return. The various Government Agents have in their possession, I think, lists of hen that were cultivated before the abolition of the duty ; but there may perhaps be some difficulty in getting a list of those that have been cultivated since the abolition. I think however that with a little care a full list of such hen would be made, and I think that Government will see their way to agree to the motion.

The Hon. P. COOMARASWAMY seconded.

H. E. the LIEUT.-GOVERNOR :—I may state on behalf of Government that there is no objection or hesitation in endeavouring to furnish the return. I do not know whether it would be possible always to ascertain the intention, but I suppose it must be assumed that when the land applied for was suited for paddy cultivation it was the intention to cultivate paddy on it. I am informed, sir, by officers who have had some experience in the collection of such statistics, that there may be some difficulty in collecting this return. No one sir ought to be more alive to the difficulty or readiness with which such returns can be prepared than the hon. member himself from the position he occupies and if in that position he furnishes an accurate and full return I think we shall see that a similar one is insisted upon from the districts of the other chiefs. (Applause.)

THE THOROUGHFARES ORDINANCE.

The Hon. L. H. KELLY :—Sir, a motion stands in my name that the Thoroughfares Ordinance should be amended, but with the permission of Council I wish to postpone it, my reason being that the Planters' Association have their general meeting at Kandy on Saturday when the matter comes up for dicussion. I should like to know exactly what are the views of the Association and the Planting Community generally and therefore I think it is advisable that I hold over the motion with the permission of Council till a later date.

The motion was accordingly postponed.

The Hon L. H KELLY added that after consultation with the Planters' Association it might be necessary for him to alter his motion.

THE PUBLIC SERVICE AND THE DEPRECIATED RUPEE.

The Hon W. W. MITCHELL then brought up the report of the Committee appointed to consider the question of compensation to public officers for fall in exchange. The report is as follows :—

THE EXCHANGE QUESTION.

The Sub-Committee, consisting of all the Unofficial Members, appointed by the Legislative Council, to whom was referred the question of granting com-

pensation for the fall in exchange to the officers of the Ceylon Government, having given the subject due consideration in its details, have the honour to report as follows:—

1. They are of opinion that the same conditions should apply to all officers employed by Government, without distinction, whether domiciled in Ceylon or elsewhere. Considering that hitherto there has been no distinction drawn between native and European officers in regard to rights and privileges of office, the Sub-Committee deprecate the sanction of a scheme based upon domicile, as it might have the effect of disturbing the harmony which has always prevailed betweec the several races who take part in the administration of the country.

2. They recommend that all officers who shall be appointed to the Public Service of the Colony from and after (say) 1st January, 1894, shall be allowed pension at 1s. 6d. the rupee; that they shall receive leave salary at 1s. 10½d. the rupee their salaries when on service in the Colony being paid at rupee value; and that the privilege be conceded to them of making "family remitances" at 1s. 6d. the rupee up to half of teeir salaries.

3. They recommend that all officers at present in the Service who do not now enjoy the privilege of family remittance, but who are entitled to leave salary and pension at 1s 10½d the rupee, shall in future contsnue to be entitled to pension and leave salary at 1s 10½d the rupee, and be allowed the privilege of making family remittances at 1s 6d the rupee up to half salary, their salaries when on service being paid at rupee value.

4. Officers who are entitled to leave salary and pension at 2s per rupee or to any other privilege to continue to enjoy the same, and to be entitled when on service in the Colony to make family remittances at par as hitherto, up to half their salary; their salary when on service being paid at rupee value.

5. With respect to the term "family remittances," the Sub-Committee desire to see continued the same privileges that exist at present, and which they understand to comprise remittances in respot of the relations actually depending upon the remitter.

6. The proposal in clause 3, that leave salary should be paid at 1s. 10½d., is put forward not only on the ground that it is essential to admit of the majority of officers undertaking the expenditure which going on leave necessitates, but because it is deemed desirable to afford encouragement to all who can to proceed to Europe to promote their health and contribute to their efficiency, and that they may derive other benefits which such visits would obviously confer.

7. The Sub-Committee, in submitting this scheme, strongly urge that an Inquiry be instituted into the organization and cost of Establishments, with a view to effect such savings as may be found to be practicable.

8. The Sub-Committee take this opportunity of calling the attention of the Council to the fact that the members of the subordinate Public Service are not now adequately paid, considering the increased cost of many of the necessaries of life, and they would urge that a reasonable increase be made to their salaries.

9. The Sub-Committee believe that the Inquiry above recommended will lead to measures of economy admitting of not only the payment of the proposed compensation, but also of ameliorating the condition of the subordinate officers of Government at a cost which will not materially exceed that of the present Establishments.

Legislative Council Chamber, Colombo, February 15, 1894.

He said:—It will be remembered that at the last meeting of the Council a motion was brought forward by H. E. the Lieut.-Governor. To that motion I moved an amendment. Afterwards on that being debated, my amendment was withdrawn and it was moved that the whole question be referred to a Sub-Committee consisting of the Unofficial members for their report. That Sub-Committee has sat and having considered the question fully, has brought up this report which is now laid on the table before members. The first duty that the unofficials have kept steadily before them is that they should be thoroughly impartial in their judgment. They have endeavoured to be so and the first thought that struck them was that the question of domicile, which was the first in order in the Despatch of the Secretary of State should not be entertained. Ever since the commencement of the British Administration of Ceylon no distinction whatever has been observed between the members of the service, whether native or European, and it is felt that it would be very unfortunate if at this time any such distinction were to be permitted to be drawn between the several races who take part in the Administration of the country. In para 2 of the Report it will be observed that the officers to be in the future appointed should draw pension at 1s 6d the rupee, leave salary at 1s 10½d and salary while on service at the rupee value and that they should be allowed the privilege of making remittances at 1s 6d up to half of their salaries. In para 3 it is provided that all officers now in the service, not having the family remittance privilege but who have leave salary and pension at 1s 10½d, should have these privileges continued and be also given the family remittance privilege. In para 4 it is recommended that officers who are entitled to leave and pension at 2s the rupee, should continue to enjoy that privilege as hitherto and be allowed to send family remittances at par up to half their salaries. We have recommended leave salary at 1s 10½d in order to enable officers to meet the expenditure involved in taking leave and because it is deemed desirable to afford every possible encouragement to them to take leave for the purpose of restoring their health and deriving other benefits to be obtained from a visit to Europe. Para 7 urges that an enquiry be granted into the organization and cost of establishments. Not long ago this question was brought before the Council by a substantive motion and it is felt by the Unofficials that it is all the more necessary now that this enquiry should be held in view of our requiring to provide a certain sum of money for this specific purpose. I may mention in passing that if the Despatch of Lord Ripon, dated 27th September had been before the Unofficials at the time that that motion was brought forward they would have felt all the more strongly inclined to press for that Enquiry. In clause 8, it is pointed out that the Subordinate Civil Service is inadequately paid. I think this goes without saying and it is needless to enter fully into this question at this stage. I would merely add that it is impossible to devise a scheme that will give satisfaction to all the officers in the Public Service as those in different circumstances are affected in so many different ways. The Sub-Committee have kept in view the welfare of the Service as a whole, and while regretting the cases of individual hardship they have made recommendations which appear to be the best according to their judgment. I move, sir, that the report be read and the consideration of it be held over until the next meeting of Council.

The Hon. J. J. GRINLINTON:—Sir, In seconding the motion of my hon. friend, I desire to make just a few remarks. I concur fully with the mover of this motion in all he has said. Personally I would have preferred had the term "family remittances" in clause 5 admitted of a more liberal construction than that now placed upon it by Government, but it is felt by my colleagues that in the absence of information as

regards the cost that would be entailed it would be premature to make a recommendation on the subject. They hope that if Your Excellency will permit the opening up of the subject of the reorganization of Establishments, they would then be in a position to make recommendations possibly much more favourable than those now before the Council. In view of the strong opinions entertained by my colleagues I of course had nothing to do but give way. There is one item which I feel assured would have received every attention from the Sub-Committee and that is remittances for Life Insurance. Personally I feel very strongly upon that point and I might have brought it forward had I been in a position to give any information or had we been able to obtain information as regards the cost. I therefore trust (and I am sure all my colleagues join with me in doing so,) that Your Excellency may be pleased to give effect to clauses 7, 8, and 9 in the Report now before the Council. I have considerable knowledge of the Public Service and I feel assured that an Enquiry such as that indicated—and it has not been proposed in an unpleasant spirit, but simply in the interests of the Public Service—would result in good. If salaries are too small the sooner we remedy that the better and place officers in a position in which they can live with decency and comfort. (Hear, hear). If some offices are needless, then it would be the duty of the Committee to recommend that these offices be abolished or in some re-organisation merged in others. I was not here when the proposal was made sometime ago and rejected by the Council that an Enquiry should be made. Had I been in my place I feel it desirable now to say that I would have supported that motion, and on this occasion I could not allow this eport to be laid on the table without expressing my views on the subject.

The Hon. L. H. KELLY:—I hope sir, that the Council will accept the views propounded by the hon. members for the Mercantile and European Communities. I brought forward the original motion in October last for the reduction of the offices and increase of salaries and I feel very strongly on the point and that this question really hinges on clause 7. The Unofficial members of this Council are quite prepared to meet the members of the Civil Service in a very liberal spirit, and it seems an extraordinary fact that all the Unofficial members are imbued with the same idea namely that there are more men than is necessary to do the work of this Colony. I trust sir, that if you, as the head of the Government here will not take up this matter yourself you will refer it to the Secretary of State for we are quite prepared—I am sure that I am speaking for the whole body of unofficials—to have the matter thoroughly ventilated. In conclusion I can say that there is not the slightest parsimonious feeling with regard to the Civil Service of Ceylon. On the contrary, we admit that they are underpaid but we insist that there are more offices than are necessary for the Government of the Colony.

THE CIVIL SERVICE AND THE RUPEE.

The Hon. R. REID:—I understand, sir, that the motion brought forward by Mr. Mitchell is to adjourn consideration of the question until next meeting of the Council, but it seems to me that the merits of the question have now been entered into. In the last debate, such debate as it was, there was only one side represented here, no one getting up to speak for the Public Service. The Hon. the Colonial Secretary was obliged to introduce the motion and it was patent to all that it was a painful and awkward position for him on account of its personal nature. He would not have made the motion if he could possibly have avoided it, but he was obliged to do it in his official capacity. There was not, therefore, as I have said, a single voice raised on behalf of the Service on that day. I am sure that a good many in the Civil Service were disappointed at this and would have liked to have heard Mr. Saunders. He is a ready speaker and could do more justice to the subject than I can do. The Service have very little hope from the remarks of the Colonial Secretary, and I think too much was made of the personal matter. He is the leader of our Service and I think he should represent those whose voices are not heard here. There are those outside who have no voice in this Council and if every Civil Servant is silent the case of the Service cannot be fairly considered. As to the Auditor-General he takes little interest in this matter and would be perfectly content to sit in that little office which is really not an office at all,—auditing our accounts and never complaining even of the rupee fell to 6*d*. So far as the Public Service was concerned very little was said in its favour in that Council. With regard to the Civil Service proper it used to hold a very good position—a better position formerly than now. I entered the Civil Service through the favour of no Governor but by competition. At the time when it was my duty to decide on the course in life I should follow, a Civil Service List came into my hands. I was anxious to serve the Imperial Government in any part of the world and I was led by it to decide in favour of the Civil Service here and the pay was in gold. I won my appointment by competition and I did not care in what part of the world I served so long as I had the Imperial Government for my master and employer. It never occurred to me that any Crown Colony, even the greatest of the Crown Colonies, would be allowed to pay me in a debased currency or ever interfere with the pay I had a right to expect from the Government. For six years I was paid in gold and after serving 21 years more, in consequence of being paid in a debased currency my pay has only increased by £100. Now, sir, I do not know whether I would be in order or not, but I should like to move the rejection of this report to the Council as wholly inadequate. As it is the Secretary of State himself has offered something which he believed could be accepted by every one, but as a matter of fact that is not so, although I believe the Secretary of State thought he was doing a good turn to all. According to the report of this Committee, however, those who have not families at home are to receive nothing whatever. In fact to receive anything, according to the report of this Committee, a man must send home his wife or child. I do not think that there are many who would care to do that for the sake of being able to remit what was offered. I consider this proposal quite inadequate from beginning to end. The position in which I stand is different from that in which other members of the service stand. As I said before I received my appointment after competition from the Secretary of State, but there are others of whom I might mention the District Judge of Kandy as an instance who received their appointments as a favour. I consider that I had a contract with the Secretary of State and that my contract has not been adhered to. Now, sir, all recent appointments have been made with the full knowledge of the falling rupee, and while I have endured this for fifteen years, those who have been comparatively recently appointed are simply to have a generous increase of salary. It is for instance a

generous increase to the Supreme Court Judges and the Colombo District Judge who received their appointments on a falling rupee. I am aware, sir, that this is not a popular side of the question that I am taking up, and I do not wish to take up your time, but I say that this matter has not been looked at in a fair way as it affects certain Civil Servants such as Mr. Dawson, Mr. Pennycuick, Mr. Conolly and others who were appointed as I was and who did not care what colony they served in as they believed they would honestly obtain what was their due and, I am sure, never thought that any colony would be allowed to tamper with their pay. There can be no question that the state of a good many in the Civil Service is most unfortunate and deplorable, but before they could receive any advantage under this report they must send their families home, although many could hardly find the money to do so. Sir, I would not like to speak in an acrimonious manner on this subject and I am very sorry if I have said anything that looks like that. I have not troubled Government much about this matter, but I have felt it for many years and was very much interested when I saw the report in the Indian papers that the Secretary of State had made an offer that every one could accept. I move that this report be rejected.

The Hon. the TREASURER :—I should like, sir, to make a few remarks in compliance with the proposal of my hon. friend that I should say something on behalf of the Ceylon Civil Service. I wish to preface these remarks by saying that personally, so far as the recommendations made by the Sub-Committee are concerned, I have got or would get everything that I wish for or would ask for, but at the same time I desire to say that I consider these recommendations would be and should be rejected by the whole of the Civil Service. I find it very difficult to understand how the members of the Sub-Committee could have come to the conclusions that they have. The Secretary of State, after keeping the Ceylon Service waiting for some years until a decision was arrived at in India, made a certain proposal for the benefit of the Ceylon Civil Service. That proposal was intended to give as much relief as the finances of the colony would allow to as large a number of the Public Service as possible. It was based on the same lines as the Indian Government proposal, and although it became necessary unfortunately to use the word "domicile" and therefore, as it were, to make it appear that the question of nationality was involved, yet if the proposals of the Secretary of State for India and the Secretary of State for the Colonies were read, it would be seen that "domicile" was merely a definition which was necessary in order of draw a line at some point where the increase of salary was to cease, and practically to draw the line there was giving an increase of salary to as large a body of the Public Service as could be done consistently with the state of the revenue of India and the revenue of Ceylon. There may be said to be four or five classes of the Service, all of whom suffer in various ways from the depreciation of the rupee. I believe that the Sub-Committee have very correctly assumed that the portion of the Public Service which suffers most is that small portion which requires from its necessities to make a large remittance to England. They are the portion which suffer most and they are a very small portion of the Service and they are the only persons the Committee would compensate. There are others of various positions and grades and the Secretaries of State for India and Ceylon appear to have thought that if they gave an increase of pay to every man as far as they could, who was under the necessity of sending money to England for any cause whatsoever, and not merely for family remittances so that they would be doing the most that could be expected of them for the Service; and they thought that the man whose domicile was in England and whose interests were in England, any money he might be possessed of would require to be invested in England to which place as his home he would eventually retire—they thought that a man or men in that position represented a distinct class and that if the line were drawn there, they would be giving relief to the greatest number of the Public Service compatible with due economy. The proposal of the Secretary of State came to Ceylon and the members of the Civil Service admitted that he had made a proposal which conferred a benefit on a large number of them, but they pointed out that they were asked to give up something which they considered they should not be asked to give up and which the Indian Civil Servants were not required to give up on their side. This was mentioned to some unofficial members of the Legislative Council and the Civil Servants were pleased to find that the unofficial members seemed to think that the members of the Service were right in what they stated, and that the Secretary of State should not ask them to give up on the one hand what he proposed to give them on the other. Two or three hon. members got up in the Legislative Council and made a declaration that what the Secretary of State had given the service was insufficient, and that something more should be given to those members whom he had intended to benefit. Other members were of opinion that not only should that be done, but that there was a certain class left out from any benefit by the Secretary of State who ought to be brought in—that there were certain members domiciled in Ceylon who ought to be brought within the relief proposed to be granted. It was then suggested that an adjournment should take place in order that a Sub-Committee of the unofficial members should consider how to reconcile these two proposals—in fact to enlarge the proposals of the Secretary of State at both ends in order to give more to those members whom he was prepared to give something to and to bring into the class benefited those members whom the Secretary of State had excluded. And now, sir, what is the result of the deliberation? The result is not only to keep out those few members who were left out by the Secretary of State but to keep out others—a very far larger number—to keep out, not 5 or 6 but 50 or 60 I should say. Then again what has become of the proposal to give more to the members that the Secretary of State was prepared to give something to. A great many of those members are to get nothing. It is to be confined to a few—a few who want it most it is true—but it will give the Public Service generally no relief whatever. I feel perfectly certain that though there is no intention to bring about such a result, I can hardly believe that it was the intention of hon. members—after what passed at last meeting of the Council—but such I assure them would be the effect of carrying this proposal. I do not propose on the present occasion to enter, into what has been brought forward in clause 7 with reference to certain other proposals which may result from this Report. I think that is a matter which should be dealt with entirely on its own merits. I deprecate that it should have been introduced into a discussion of this sort because I feel sure that hon. members must feel, as was said by the hon. member for the Mercantile community, that if they can make out a case, that is to say that if they can show

that circumstances have altered since the proposal that was put forward by the unofficial members in this Council, there could not possibly be any objection on the part of Government to entertain it; but that is a question which must stand or fall on its own merits. If the Public Servants are suffering from what hon. members all around appear to admit that they are suffering from, I feel perfectly certain that they will not allow a matter of this sort to be a question of bargaining with the Government. Each question should stand or fall on its own merits and be settled on its own merits. I do not intend to second the proposal of the hon. member to reject the proposal that had been made because, as I say, I think myself that the unofficial members will, on consideration, see that they really have altogether mistaken the nature and scope of relief required, that their recommendations will really not give the Civil Service the slightest relief in the circumstances in which they are placed; and if hon. membres will read the debates published in the Indian papers they will see exactly what the grievances of the Indian Civil Service and what the grievances of the Ceylon Civil Service are and that this proposal would in no way meet these grievances, but only give relief to a very few and would exclude a far greater number from any benefit, than the Secretary of State proposed to exclude. (Hear, hear).

The Hon. L. H. KELLY:—I desire to make a remark or two, sir, the hon. member who has just sat down has made a speech when the amendment before the house had not been seconded. An amendment had been made and I thought he got up to second it. In his speech the hon. member made some remarks with regard to the unofficial members which reflects upon me to a certain extent. He has left out of sight the ground I took up all through, which was not the question of domicile. My colleagues and I stated distinctly that we thought the Civil Service was underpaid, but we stated as distinctly that it was over-manned. The hon. member who has just spoken has very carefully avoided that point. As I said in the few words I addressed to this meeting I attach the greatest importance to clause 7 and I wish to emphasize that, and that is why I take this opportunity of saying that the hon. member in the remarks he has made ought to have also included that point because that point I am certain—

H.E. the GOVERNOR interposing said:—The hon. member is speaking a second time to the same motion and is not in order.

The Hon. L. H. KELLY:—I was making an explanation, and I believe that the hon. member who spoke before me was out of order as he was speaking to an amendment which was not seconded.

H.E. the GOVERNOR:—I believe the hon. member who last spoke was speaking to the motion which is that the Sub-Committee's report be read.

The Hon. L. H. KELLY:—He was supporting the amendment.

The Hon. the TREASURER:—I stated that I did not do that.

The Hon. L. H. KELLY:—At the end of your speech.

The Hon. the TREASURER:—All throughout I was speaking to the motion.

The Hon. R. REID was understood to say that he would not press his motion if it were not seconded.

H. E. the LIEUT.-GOVERNOR.—The question before the Council is in the shape of an amendment to my original motion, and that question is that the report be read. To that, sir, I could have no possible objection, but there is attached to the motion something in the shape of a rider to the effect that it be read with a view to future consideration. I do not think I should be candid on behalf of the Government if I did not at once say that the Government could not except this proposal. Hon. members, and especially unofficial members, who made this report, will observe that it is a totally different thing from what the Secretary of State proposed. The Secretary of State has proposed one thing, and the unofficial members in their report quite another thing. The hon. member who submitted the report said it was difficult to meet the cases of all classes. The Secretary of State has endeavoured with all the justice he could command to consider the case of one class, while the unofficial members have recommended that another class should be considered, but they are two totally different questions. The proposal was that the salary of each public servant should be increased whereas the report of the unofficial members is that the privilege should be confined to a limited few. I would like to say that the Public Service—and I certainly feel so myself—thoroughly appreciate the intention and motives which have actuated some of the hon. members in making the recommendations in this report; but I am sure that they will see for themselves on further perusal of the report, that being at variance with what has been proposed by the Secretary of State it cannot in ordinary loyalty to the Secretary of State be accepted by the Government (Hear, hear). The hon. member for the general European community remarked that they had no information on the subject of cost. I am very much disappointed at that, sir. I understood that two members of the Civil Service who are certainly most competent to give any information on that subject were willing, and, if I mistake not, did attend the meeting of the Committee in order to afford the fullest information on that very subject of cost on which I confess myself not to be able to give correct data with confidence. I am therefore, sir, rather disappointed that the want of information was one of the reasons for not pursuing the matter further. I should like, sir, to make one remark, too, with reference to what my brother official, the Principal Collector of Customs, said. The hon. member very correctly stated that I did not represent the case of the Civil Service. I did not, sir, and I never pretended to. In the turn that the discussion took at the previous meeting of Council I thought it was not for me to state the case of the Civil Service. To use no stronger expression the matter is most distasteful to me. The hon. member who represents the general European community made one remark in which I entirely concur. He said that he had a knowledge of the Public Service. He has, sir, and because of that knowledge I should have expected a little more generous remark than he made. The hon. member said that the result of the enquiry which they proposed should be held would be, they anticipated, to show that there were needless offices. I think that is a very poor compliment to Your Excellency and myself. I think we may claim to have laboured long and strongly for this colony, and I think that we who have been long here must know more about the offices than any unofficial member at this table, seeing that we are brought daily, I might almost say hourly, into contact with all the officers; and I feel the remark that we permitted needless offices to exist, more, coming from that hon. member than I did the remark that came from the hon. member who represents the planting interests, because my argument in answer to the latter was that the hon.

member knew nothing about it, whereas the former hon. member does know something about it. I do not wish to introduce any controversial subject, sir, but I think it is a pity that this rider, as it were, should have been made. The question before the Council being that the report be read, I presume that there will be no ojection to that being done, but after what I have said I think hon. members will understand that the Government cannot, without reference to the Secretary of State, proceed with any further consideration of the subject. At the sametime, sir, my motion is still before the Council and if some hon. members are of the mind which I think they were when I first introduced the subject to support me in that motion, I am quite prepared to put that motion; but if there is to be unanimous opposition to that motion of mine I would say, in the feeling I expressed just now, that the motion would not be pressed.

H. E. the GOVERNOR:—This question is to be held as being an amendment on the motion of the Lieut.-Governor, introduced at our last sitting and seconded. It will therefore be understood that if this motion in the form of an amendment be adopted, the Lieut.-Governor's motion will necessarily drop, but if the motion now before the Council be rejected the Lieut.-Governor's motion will come up again for discussion.

The question was about to be put when

The Hon. W. W. MITCHELL said:—Before the vote, sir, might I ask whether, if the result is against my motion, this report will be rejected altogether and will not be considered as a Sessional Paper. It is a report prepared by a Sub-Committee of this Council and I think must be received whatever comes of it. It is rather a nice point.

H. E. the LIEUT-GOVERNOR:—I should hold that the Committee having been appointed and that their report having been sent into Council it must be received. In case of that motion being lost the report will be received but not read, and will therefore form a record of Council.

The Hon. J. J. GRINLINTON:—In fact this practically deals with the question instead of holding it over for consideration until next meeting of Council. What I proposed was that the report be read and consideration of it held over until next meeting of Council, but the procedure now would be apparently the same as if we dealt with it after debate at the next meeting.

His EXCELLENCY:—Yes.

The Hon. A De A. SENEVIRATNE:—I do not quite follow. Is the question to be whether the report should be read or not?

His EXCELLENCY:—Yes.

The Hon. A. De A. SENEVIRATNE:—Am I to understand that the hon. the official members of this Council object to the mere reading of that report?

His EXCELLENCY:—That is the very question upon which they are about to vote.

The Hon. L H. KELLY thought that according to rule 56 the question ought to have been put as to whether the report should be read before the discussion took place.

The Hon. the TREASURER:—A Sub-Committee of Council having presented their report it must be read and Council must take official cognisance of the document, but a difficulty has been created by the hon. member who brought up the report introducing an additional motion as to what should be done with the report. If the hon. member confines himself to moving that the report be read it can be received and considered and read and form part of the records of Council. It would then be competent for the hon. member to move that the Council go into Committee to consider it or that it be considered at next meeting or that it be dealt with in any other way. If the hon. member will simply move that the report be read it can be read and form part of the records of Council and he can then move what course he thinks should be adopted with it.

The Hon. P. COOMARASWAMY;—Rule 41 directs that a report shall be brought up and read; how can you say whether it should be rejected or not without reading it? The mere reading of the document did not commit the Council to any course of action. I would go further and say that it is discourteous to the unofficial members of Council who at the request of the official members undertook to prepare the report, not to read that report and make it part of the proceedings of Council.

The Hon. the AUDITOR-GENERAL:—The hon. member did not quite finish rule 41 which goes on "or otherwise dealt with as the Council may direct." It is therefore proper for the Council to deal with the report in whatever way it may please.

H. E. the GOVERNOR asked to have Mr. Mitchell's motion in writing.

The Hon. W. W. MITCHELL:—I simply move, sir, that the report brought up be read.

This having been done,

The Hon. W. W. MITCHELL asked:—What will now be the fate of this document?

H. E. the GOVERNOR:—It will be a Sessional Paper and record of the Council.

The Hon. W. W. MITCHELL:—And nothing more will be done?

H. E. the GOVERNOR:—As a matter of duty I should transmit it to the Secretary of State.

The Hon. W. W. MITCHELL:—The feeling of the unofficial members is that they would prefer to have it debated and see whether the Council would or would not adopt it. I would therefore move that the Council go into Committee for the purpose of considering the report

H. E. the LIEUT..GOVERNOR:—The Government is sorry in that position that they cannot accept this report. I endeavoured to point out that it contained a principle which the Secretary of State had condemned and in that circumstance the Government could not accept it, and further that it is not what the Secretary of State sanctions. On these two grounds local Government in loyalty to the Secretary of State could not proceed with the matter.

The L. H. KELLY:—I would then ask whether the proposal of the Colonial Secretary is going to be laid before the Council. I understood from what fell from the hon. the Colonial Secretary that the original proposal was before the house and the report of the Sub-Committee was to be put as an amendment upon it. The unofficial members would like to have a vote upon the report which they have drafted, which is only what is due to them and that it should either be rejected or accepted by Government. If the Government did not choose to face, the Colonial Secretary could bring forward his original resolution and take this as an amendment as I understood was intended to be done.

H. E. the GOVERNOR:—The motion carried was considered as an amendment on the Lieut.-Governor's motion and the amendment having been passed the Lieut.-Governor's motion drops.

The Hon. L. H. KELLY:—I beg to second the motion of the hon. member for the Mercantile community. Certainly I did not understand and I do not think the other members understood that what would happen would be what has been stated. The present position is that the report is laid on

the table and is to become a Sessional Paper and that the resolution which was to have been brought forward by the Lieut.-Governor is to drop so that really we get no opinion at all. Therefore I have much pleasure in seconding the motion of the hon. member for the mercantile community.

The Hon. the AUDITOR-GENERAL :—Sir, rule 20 provides that any member desiring to ask a question or to make a motion shall, in the course of discussion, give notice of such question or motion. Clearly this motion was sprung upon the Council without a single moment's notice. This particular report of the Sub-Committee I did not see, but I heard something about it about half-an-hour before I came to the meeting of Council. I did not see it before, but it contains at least one inaccuracy and it may contain more and therefore I should like to examine it carefully. At least two days' notice should be given of this motion. There is not the slightest reason for going on with this question today.

H. E. the GOVERNOR :—The hon. member who has just spoken has given a perfectly correct interpretation of the rules, and the motion which has been moved by the hon. member who represents the Mercantile community cannot, without the leave of this Council, be introduced without at least two days' notice.

The Hon. W. W. MITCHELL :—I would ask if the Council would grant leave for notice of this motion.

H. E. the GOVERNOR :—Move the suspension of the standing orders.

The Hon. W. W. MITCHELL did so.

The Hon. L. H. KELLY seconded.

The Hon. the AUDITOR-GENERAL :—For the reasons already given I oppose that motion that the standing orders be suspended. I think we are entitled to notice.

H. E. the LIEUT.-GOVERNOR :—I put it to hon. members whether after what I have stated, we are not wasting time. Unfortunately the unofficial members hold one view and the Government hold another. I, as a man of peace, say that rather than that we should have a collision let the unofficial members hold to their "yea" and the Government to their "nay" and let the thing drop. That is the proposal I made and it is utter waste of time for us to go into the question and do something in connection with it when Government in its sense of duty, will be compelled to oppose the adoption of the report. I do not wish to do that, but to pay all deference and respect to the unofficial members who, as I said and believe, are actuated by excellent and most kind motives towards certain members of the Public Service of whom I am one.

The Hon. W. W. MITCHELL :—The unofficial members have brought up a report which is somewhat distasteful to portion of the Public Service; but they do not wish to see that report simply shelved and nothing done with it. They prefer that it should be discussed and voted upon and if not acceptable, thrown out. If, on the other hand, the proposal which has been made by the Lieut.-Governor finds favour from the Civil Service and the officials let them carry it.

The Hon. the TREASURER.—My reason for voting against the suspension of the standing orders is, to quote the very words of the hon. member, who has just sat down, because the report he has submitted is distasteful to a large number of the Civil Service. Notwithstanding that it is distasteful the hon. member proposes that we should at once discuss the question without the Civil Service having seen the report or without having an opportunity of saying whether those who represent them in this Council should take a favourable or unfavourable opinion of the matter. I can see no stronger reason for allowing the matter to stand over, and it is quite open for some unofficial member of the Council at some future sitting to move a resolution framed on the report of this Committee, so that the persons most interested in the question raised may have ample opportunity for considering the point.

The Hon. L. H. KELLY.—I would only point out in reply to that, that the hon. the Treasurer himself objected when the hon. the Mercantile representative made his original motion and now asks that the Council should have time which is what the hon. member for the Mercantile community proposed after the report had been read.

H. E. the GOVERNOR.—I must remind the hon. member that the motion was that the report be read.

The Hon. L. H. KELLY.—That motion, sir, was made at the instance of the hon. member himself who now gets up and twits the hon. the Mercantile member for wishing to push forward the matter today when the hon. member's original motion was that the Council should take time to consider the report.

H. E. the GOVERNOR (addressing Mr. Mitchell)—Does the hon. member, after what has been said, wish to press his motion for a division on the question of the Council going into Committee?

The Hon. W. W. MITCHELL :—I think, sir, the best way to dispose of the matter is to take the vote upon that.

A division then took place as follows :—

Ayes (8.	Noes 8).
The Hon. P Coomaraswamy	The Hon. the Director of Public Works
" L H Kelly	" the Principal Collector of Customs
" M C Abdul Rahiman	" the Govt. Agent, C. P.
" J B Panabokke	" Do W. P.
" J J Grinlinton	" the Treasurer
" A de A Seneviratne	" the Auditor-General
" W W Mitchell	" the Attorney-General
" Dr. P D Anthonisz	H. E. the Lieutenant-Governor

H. E. the GOVERNOR gave his casting vote in favour of the "noes" and announced the result:—Ayes 8, noes 9. The motion is therefore lost.

The Hon. W. W. MITCHELL :—Has the Lieut. Governor's motion been withdrawn or is it still before the Council?

H. E. the GOVERNOR.—It has fallen through.

The Hon. W. W. MITCHELL.—It has not been voted upon.

H. E. the GOVERNOR.—But there was an amendment.

The Hon. W. W. MITCHELL.—That amendment was withdrawn.

The Hon. the AUDITOR-GENERAL.—I rise to order, sir. A question cannot be put without giving notice of such question (Laughter).

THE CONTROL OF GENERAL CEMETERIES.

The Hon. the GOVERNMENT AGENT, W. P., moved that the Council resume consideration in Committee of "An Ordinance to vest the control of general cemeteries situated within Municipal limits in the Municipal Council."

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

The report of the Sub-Committee recommend that the bill be not brought into operation until—

(*a*) An Ordinance is passed empowering the Municipal Council to make regulations controlling burials and cremations in burial or cremation grounds other than general cemeteries, and prohibiting burials and cremations being performed in grounds other than

those especially authorized by the Municipal Council and duly registered.

(*b*) Until the general cemeteries to be handed over under the provisions of this Bill to the Municipal Councils have been properly enclosed by substantial walls or iron railings, and otherwise brought into good order and condition.

For the purpose of giving effect to the above recommendations they suggest that the further consideration of this Bill be deferred until the Ordinance alluded to in section (*a*) has been laid before Council; and that a clause be added to the Bill providing that the Ordinance shall not come into operation until proclaimed by His Excellency the Governor.

The Sub-Committee advise that the Muhammadan cemetery established under the Ordinance No. 1 of 1880 be brought under the provisions of this Bill, and suggest the insertion of a clause for this purpose.

The Sub-Committee are of opinion that the Municipal limits of the town of Colombo should be extended so as to include the general cemeteries already established, and the area within which persons dying are entitled to be buried in the General Cemetery.

The bill was amended in accordance with the recommendations of the Sub-Committee and the Council resumed when the Hon. the GOVERNMENT AGENT, W.P., moved that the standing orders be suspended in order that the report of the law officers of the Crown might be read and the bill read a third time and passed.

The Hon. M. C. ABDUL RAHIMAN rose to make some remarks when it was explained that the bill upon which he intended to speak had not come up yet.

The standing orders were then suspended when the report of the law officers of the Crown was read and the bill read a third time and passed, on the motion of the Hon. the GOVERNMENT AGENT, W. P. seconded by the Hon. the ATTORNEY-GENERAL.

THE SUPERVISION OF BURIAL AND CREMATION GROUNDS.

On the motion of the Hon. the GOVERNMENT AGENT, W. P. Council went into Committee on "An Ordinance to ensure the supervision of burial and cremation grounds situated within Municipal towns."

The Sub-Committee reported :—

"The proposed Bill meets with their approval, and the only alteration the Sub-Committee have to suggest is that the period in clause 7 should be extended to three months."

The Hon. M. C. ABDUL RAHIMAN :—With your Excellency's permission I beg to explain that the proposed Ordinance is to empower the Municipality to control the Muhammadan cemeteries. It is a common feeling prevailing among the people of that religion that the cemeteries are consecrated grounds and used for the purpose of burial with sanctity. I would be the first person to see the proper regulation of the burials, and generally the proper management and maintenance of order and decency and cleanliness in them. I support the Ordinance being passed. My worthy and hon. friend, the Attorney-General, has very ably drawn it up concisely and yet with numerous sub-sections, and giving power to make by-laws from time to time when the Municipal Council desires. But I would rather prefer in clause 5, that a proviso be introduced to the effect :—"Not to interfere with, or to offend the religious observances or customs of any denomination and the management of such cemeteries." Your Excellency was well aware before arriving in this island that you would have to deal with a mixed population, and sects whose laws and customs differ from each, and are hostile to each other. I understood that such expressions were used at a dinner before your Excellency took the reins in hand here. The object of the home Government in conferring appointments upon the domiciled officers is to administrate Her Majesty's subjects according to their laws and customs, and not to interfere with the religious feelings of the several classes. I regret to observe a certain official well versed in the customs and laws of the several communities still goes like a stranger to administer his duty so correctly even with dead bodies. That official is an ardent supporter of the improved mode of disposing of dead bodies by cremation and unfortunately everybody cannot agree with that.

The Hon. the ATTORNEY-GENERAL :—I would point out that I think the hon. member need not fear what he seems to fear. On reference to the clause mentioned he will see that the regulations are to be made in the first place by the Municipal Council but not to become law until confirmed by the Governor in Executive Council who is not likely to confirm any laws or regulations that are likely to be oppressive to any sect or branch of religion and is not at all likely to do anything that would offend the members of the Muhammadan community.

The Hon. P. COOMARASWAMY did not think there was any such provision made in any previous Ordinance as that which had been quoted by the hon. member. He (the speaker) was not a Christian, but belonged to a religion which was very careful about the ceremonies connected with burials or cremations, namely the Hindu religion, and he did not see anything in the bill that would be against it. There was nothing in his religion and for that matter he did not think there was anything in the Muhammadan religion to prevent the registration of burial or cremation grounds; and with regard to inspection of these places as far as the Hindus were concerned they considered that after they had visited the cremation or burial ground they must have a bath and purify themselves. He did not know what was the case with respect to the Muhammadan religion, but he did not think there could be anything to prevent inspection. The next by-law was for the proper regulation of the burial and cremation of corpses, but there was nothing said as to interfering with them, and he did not see anything against the Muhammadan religion in that clause, nor in the following one with regard to the proper management and control of such places and the maintenance of order, decency and cleanliness. He believed that in the Sub-Committee the Attorney-General explained the matter to the hon. the Muhammadan member who appeared to be satisfied and he failed to see how he could question what had been proposed or that there could be any objection on the part of what he might call a civilized religion. The insertion of the provision proposed by the Muhammadan member would lead to difficulties. Supposing there were sects professing cannibalism, whose religion permitted them to eat bodies and the Government wanted to control that, there might be objection on the part of the cannibals. He was sure that the Governor and Executive Council would be very careful that nothing was done to offend any sect, even if the Municipal Council did wish to do anything contrary to the wishes of a civilized community like this.

The Hon. M. C. ABDUL RAHIMAN was understood to say that the Muhammadan religion was a living religion in the world and not like a floating religion as the people stuck to their faith. He could not agree to the bill unless what he proposed was inserted. The Municipal Council could not always be calling in a Muhammadan lawyer. A great many of the Muhammadans were ignorant

people and if they committed some small offence they would be fined and this might lead to rioting which would be a serious affair. He insisted upon the words he had read being inserted as they could not give offence to anybody.

The Hon. the ATTORNEY GENERAL asked the hon. member to put his amendment in writing.

The Hon. A. DE A. SENEVIRATNA :—I do not know, sir, whether my hon. and learned friend has any words to suggest to provide against interference with the rites and ceremonies of any religious sect. I do not think there is any ground for the apprehension expressed by my hon. friend, but I am sure that if there is any danger of the Municipal Council making or of the Governor and Executive Council sanctioning by laws likely to interfere with the religious rites and ceremonies of people, my hon. friend the Attorney-General will see that words are inserted to prevent such a state of things. I cannot see myself that the Municipal Council would make such bylaws as the hon. member would object to.

The Hon. P. COOMARASWAMY :—Sir, I am afraid that the hon. the Muhammadan member has misunderstood me. I am with him in the desire that religious rights and ceremonies should be protected, but I see nothing in this Ordinance that would go against such rites and ceremonies. If there were I would be as opposed as the Muhammadan member is to the passing of the Ordinance. I should be sorry if the Muhammadan member thought that I said anything against Muhammadan religion because it is one of the religions that I respect.

The Hon. the GOVERNMENT AGENT, W.P. :—We thought we had satisfied the hon. member in Committee.

H. E. the LIEUT.-GOVERNOR said a circumstance mentioned just now brought to his recollection the fact that he had received a letter from the hon. member in reply to which he (the Lieut.-Governor) thought he suggested a provision very much on the lines of what he had said, but—and here he recognised of the advantage discussion in Council—since he had heard the remarks of the hon. Tamil representative he saw a difficulty in the course proposed. There were religions in which there might be observances totally opposed to sanitation and propriety and he thought they must appeal to the hon. member who represents the Muhammadan community not to press this matter He hoped the hon. member woud have confidence that the Municipal Council would not make any bylaws and that the Governor and Executive Council would not approve of any bylaws which were in any way offensive to the religious rites or observances of any properly conducted religion. He thought the hon. member ought to be satisfied with that. He was quite ready to admit that he might have encouraged him by making the suggestion he did, but he did not then see the objection which the hon. the Tamil representative had so forcibly brought to their notice. He hoped the hon. member would be satisfied with the assurance that no offensive bylaws would be made or approved.

The Hon. ABDUL RAHIMAN said he had received the letter referred to by H. E. the Lieut.-Governor from which he understood that what he desired would be inserted in the bill. As for the Municipal Council he would not for a moment, he was understood to say, have confidence in their by-laws.

H. E. the LIEUT.-GOVERNOR hoped the hon. members would have more confidence in the Governor and Executive Council.

The discussion then ended and Council resumed, when the Hon. the Government Agent, W. P., reported the bill as amended and moved that it be referred to the law officers of the Crown. On his motion also the standing orders were suspended when the report of the law officers of the Crown was read.

On the motion of the Hon. the Government Agent W.P., seconded by the Hon. the Principal Collector of Customs the bill was read a third time and passed.

This was all the business , and on the motion of H. E. the Lieut.-Governor, the Council adjourned *sine die*

SATURDAY, JULY 7th, 1894.

Present :—His Excellency Sir A. E. Havelock, K.C.M.G, Governor, presiding : H. E. Sir E. N. Walker, Lieut.-Governor and Colonial Secretary ; H. E. Major-General Clive Justice Commanding the Forces; the Hons. P. Ramanathan, Acting Attorney-General; J. A. Swettenham, Auditor-General; F. R. Saunders, Treasurer ; E. Elliott, Acting Government Agent, Western Province ; Allanson Bailey, Government Agent, Central Province ; R. Reid, Principal Collector of Customs ; Dr. W. G. Kynsey, P.C.M.O. ; P. D. Anthonisz, Burgher Representative ; W. W. Mitchell, Mercantile Representative ; and A. de A. Seneviratne, Lowcountry Sinhalese Representative ; Sir J. J. Grinlinton, European Representative T. B. Panabokke, Kandyan Representative ; M. C. Abdul Rahiman, Muhammadan Representative ; P. Coomara Swamy, Tamil Representative ; Giles F. Walker, Planting Representative.

Visitors :—Messrs. H. P. Baumgartner, G. A. Baumgartner and P. Arunachalam, C.C.S.; and Mr. D. J. Subasinha.

NEW MEMBERS.

HIS EXCELLENCY immediately on taking his place at the table and while the members remained standing said :—I have to announce that in consequence of the absence on leave from the Colony of the Hon. C. P. Layard, Mr. Ramanathan has been appointed to act as Attorney-General and will take the prescribed oath and his seat. Mr. Bailey, in the absence of Mr. Templer, Government Agent of the Central Province, will also take the prescribed oath and his seat in Council. Dr. Kynsey, Principal Civil Medical Officer, having been appointed to a seat in Council will take the prescribed oath ; and Mr. Giles Walker having been appointed to succeed Mr. Kelly, who has resigned his seat, as an Unofficial Member of Council, will likewise take the prescribed oath and his seat.

THE CLERK.

Mr. H. White, who acts as Clerk of the Council in room of Mr. Crawford, also took the usual oath.

MINUTES.

The minutes of the previous meeting were read and confirmed.

ASSENT TO ORDINANCES.

H.E. the LIEUT. GOVERNOR :—I have to announce that H.E. the Governor has given his assent to the following ordinances :—

Ordinance No. 1 of 1894, intituled "An Ordinance to vest the control of general cemetries within Municipal limits, in the Municipality"; Ordinance No. 2 of 1894, intituled "An Ordinance to ensure the supervision of Burial and Cremation grounds, situated within Municipal towns."

PAPERS.

H.E. the LIEUT.-GOVERNOR next laid on the table the following papers:—

The report of the Commissioners appointed by Government to consider and report as to (1.) The probable effect in Ceylon of the recent action of the Indian Government in putting an artificial value on the Rupee; (2.) The measures which it may be expedient to take to protect the interests of the Colony under the altered nature of the currency. Sessional Papers No. 9 of 1894:—Report on the outbreak of Cattle Disease at the Government Dairy; Sessional Paper No. 10 of 1894:—Report on the preliminary inspection of the country between Veyangoda and Dehiowita with a view to railway extension; Return of extent of Paddy lands cultivated in each district of the Island, and the estimated production of each year from 1868 to 1892,—moved for by the Hon. P. Coomaraswamy; Statement showing contributions in each Province in repayment of the sums expended on the cost of irrigation works, under Ordinance No. 21 of 1867; and contributions in perpetuity under Ordinance No. 2 of 1873, 23 of 1889, from 1867 to 31st December, 1892;—moved f r by the Hon. W. W. Mitchell; Return of lands sold during the last ten years in the North-Central Province on which instalments of purchase money are overdue; Return of lands which have been advertised for re-sale in default of payment;—moved for by the Hon. A. de A. Seneviratne; Statement under section 8 of Ordinance No. 23 of 1889, of the apportionment for 1894 of the Irrigation Funds; Report of Progress made on the Bandarawela Railway during the year ended 31st December, 1893; Report of Progress made with the Jaffna Railway Survey, during the half-year ended 31st Dec., 1893; Quarterly return of the expenditure incurred on the Bandarawela Railway during the quarter ended the 31st December, 1893; Quarterly return of the expenditure incurred on the Bandarawela Railway during the quarter ended the 31st March, 1894; Quarterly return of expenditure incurred on the Kurunegala Railway during the quarter ended the 31st December, 1893; Quarterly return of the expenditure incurred on the Galle Railway during the quarter ended the 31st December, 1893; Quarterly return of the expenditure incurred on the Galle Railway during the quarter ended the 31st March, 1894. Accounts of Provincial Road Committees, and several Administration Reports.

MESSAGE FROM THE GOVERNOR.

H.E. the LIEUT.-GOVERNOR next read the Message from His Excellency the Governor with regard to compensating public servants for the fall in exchange.

THE BREAKWATER YARD.

The next business was the following question in the name of the Hon. the Mercantile member:—

If the Galle Buck is to be utilised as a block-making yard by the Harbour Engineeer in making blocks for the construction of the Northern Breakwater Arms, or if ground for the purpose is to be provided on the reclamation.

The Hon. W. W. MITCHELL said:—Sir, I feel sure that it will not be necessary for me to assure Your Excellency that in bringing forward the question of which I have given notice today I am not at all actuated by any desire to cause in any degree the slightest embarrassment to the Government, but merely to elicit information and to afford an opportunity for giving information to the Mercantile and other communities. That portion of the ground which has already been reclaimed from the harbour has been looked upon by the Mercantile community as probably available for extension of the wharves, and they view with some degree of alarm the possibility of its being turned into a block-making yard for if the engineer were to occupy it for a space of eight or ten years, the desired improvements might be retarded if not hindered altogether.

H.E. the LIEUT.-GOVERNOR:—In reply to the hon. member's question I may [illegible]e that the Consulting Engineers, from the great success with which they have conducted the operations connected with the building of the South-West Breakwater from Galle Buck, very naturally selected that as the ground for the block-making yard; but the Resident Engineer having, since his arrival, gained some local information and local experience which the Consulting Engineers naturally did not possessed and having had his attention directed to some advantages in the Reclamation Ground as the site of the block-making yard, has become rather a decided convert to that site in preference to Galle Buck. The matter is, however, still under consideration. In writing recently on the project the Resident Engineer mentioned five points of advantage in favour of the Reclamation Ground; and since he wrote this report on the 19th of last month I have had an opportunity of seeing him and being informed by him that his convictions had grown more strongly in the direction in which he had expressed himself. The five points were: The access from Mahara will be rendered more easy; the prisoners stationed at Mutwal could be run down in vans to the yard; the quay for loading blocks &c, stated above would be of great service afterwards as a permanent quay; the yard would be more closely connected with the quarry at Mutwal and the N. E. Breakwater itself; and fresh accommodation would not have to be found for Forest and Railway departments provided they did not interfere with the maintenance work of the S.-W. Breakwater. Though the question has been raised it has not on the whole interfered materially with the progress of the work, and preliminaries, as hon. members may themselves have seen, have been actively pushed on. I may mention, sir, that the principal argument that recommended the abandonment of Galle Buck is the proposal to have a new road through it, in order to relieve the traffic to the Customs. If the block-making operations were carried on at Galle Buck that road would have to be postponed to the disadvantage of the Customs.

THE ABOLITION OF THE IMPORT DUYT ON RAW MATERIALS.

The Hon. W. W. MITCHELL:—The next question I have to ask, sir, is, if it is the intention of Government to abolish the import duty on metals. By this I mean the raw or unmanufactured metals. In putting this question I wish to assure Your Excellency that no further alteration of the tariff will be asked for at present.

H. E. the LIEUT.-GOVERNOR:—In reply to the hon. member's question I may say that in view of the assurance which he has been good enough to give now, it is the intention of the Government on a very early opportunity to introduce a bill to abolish the duty on raw materials—such raw materials as may be used in manufacture here.—(Applause).

COMPENSATION FOR THE FALL IN EXCHANGE.

H. E. the LIEUT.-GOVERNOR:—I now rise to move the first of the two resolutions which stand in my name:—

That this Council is prepared to vote the money necessary to give effect to the proposals contained in

the Message from His Excellency the Governor which has just been read, for granting compensation for fall of exchange to all public officers.

My intention in putting them in the Order of the day was that they should be moved as two resolutions. I assume that hon. members understand that, but if not I shall ask for the permission of Council to treat them as two separate resolutions. This having been tacitly assented to he proceeded:—

In approaching the subject of the first resolution, and whatever may be the result of the deliberations of the Council upon it, I would wish to express the appreciation which I feel, and which feeling I am satisfied is shared by the whole Public Service, of the great liberality and kind consideration with which this question of their relief has met not only from the Secretary of State but from this Council and the community generally; and I repeat again, sir, that in saying so I do not anticipate the decision of the Council, and I would only refer to what the Unofficial Members of the Legislative Council at their last meeting were so good as to propose in their recommendation for the extension of the family remittance system which was a measure of extreme liberality. These circumstances, sir, relieve me very much of the naturally extreme unpleasantness of the duty of advocating a cause in which I myself have a personal pecuniary interest. I am sure from the sympathy which has been expressed I need not dwell upon the feeling of disappointment and discontent which is generally felt in the Public Service, which is felt with some reason, and which, in my position, I cannot avoid recognising, largely affects the efficiency and usefulness of the members of the Public Service, and therefore of the Public Service itself. I would wish, sir, to express regret that circumstances have not admitted of hon. members being placed earlier in possession of the details of the proposals. At the sametime I may say, sir, that there is no desire to seek any expression of opinion at the present time. I think sir, that we have given an earnest of our wish that the Council should most thoroughly understand the subject and most thoroughly go into it, in the circumstance that at the last meeting when the other proposal was first made and when some hon. members were quite prepared to support the Government, and when the recommendation might have been carried, the Government preferred that the whole body of members should have time to more fully understand the subject. It would be far from the desire of the members of Government to do anything that would have the appearance or semblance of snatching a decision on the subject. It was never thought that members would come to a decision at this meeting and the intention of the Governor was to propose the adjournment of Council to an early date next week, thinking that that would be for the convenience of the Council, but now that it is understood that a longer adjournment would be more agreeable and fall better in with the arrangements of members, that will be the course which will be adopted. I merely enter into this explanation to assure hon. members that there is no intention whatever to do anything in the way of forcing the proposal which I have now to make. In the Message the question for consideration has been fully explained and there is little left with which I need take up the time of the Council. I would however, sir, repeat that unless there is some unforeseen catastrophe, I have no manner of doubt whatever, that in future years the revenues of the Colony will be quite able to meet this additional charge. In paragraph 15 of the Governor's Message it will be seen that the increase of revenue in the six years from 1888 to 1894 has been R4,162,000 or an annual average increase of 690,000. I do not expect, sir, that that growth will continue for ever, but there is a reasonable expectation that it will be maintained for a long time, and should that unforeseen catastrophe to which I have referred, occur, then sir, I think the circumstances will sufficiently justify the entire reconsideration of the proposals which I now bring before the Council. Apart from that, the Governor in his Message has pointed out that there is another source from which the amount can of itself be met, and that is a smaller expenditure on public works in future years. I admit, sir, that it does not on the first blush look well for a public officer to propose that his own salary and the salaries of others should be increased at the cost of any postponement of public works, but I think those who go about the country and those who read the Administration Reports of the Government Agents, will appreciate that a great deal has been done in the past six or seven years, and for a few years to come a lesser expenditure might well be permitted without any sacrifice of the interests of the Colony. In the last seven years from 1888 to 1894 we have spent on new extraordinary public works, exclusive of anything of the character of maintenance or repairs, a sum of over ten million rupees which is an average of nearly 1½ million per year. I think, sir, that as a general remark I can say that that expenditure can be reduced by half a million to a million rupees without the Colony being made to suffer very much; and with reference to the preceding remark I have made as to my hesitation in appearing to propose that the pay of public officers should interfere with public works, I may observe that it is not desirable that the expenditure of a large sum of public money should be entrusted to a body of public officers who are admitted to be reasonably discontented. I am not unmindful, sir, that in future years, if the rate of exchange should continue at its present low state, we may have a charge over and above this compensation charge to be provided for in the current year, of nearly one million more to meet the cost of exchange; but, sir, some parties who are entitled to respect on this subject seem to think that exchange has reached its lowest point, and may, before long, before a couple of years, be reasonably expected to advance to the rate of 1s 3d to the rupee. Indeed, sir, I see that a correspondent whose letter has been considered worthy of publication in one of the newspapers within the last two or three days, predicts that in a very short time we shall have it at 1s 6d. That is as regards future years; but in regard to the current year I admit that there is apparently, a greater difficulty in meeting the charge. The Governor in the 16th paragraph of his Message refers to a surplus of about R836,000 available for appropriation on 1st January 1894. I may state that that sum was arrived at in this way. In a return of balances of surplus revenues on 1st January 1893 it is shown that a sum of R1,061,000 was available for appropriation, but from that there has to be deducted the excess of expenditure over revenue during 1893, amounting to R224,000 and during 1893 the liabilities of Government have not been reduced to the same extent as the reduction of the assets with the result that the excess of assets over liabilities had been reduced, and there was at the commencement of 1894 no balance of surplus revenue available for appropriation in the strict sense in which a balances have been considered appropriable by this Council under Surplus Fund Ordinances. It will, however, be seen in the statement on page C 12 of the Blue Book for 1893

that there are assets which are readily realizable and against which the proposed expenditure can be safely made. What I wish to impress upon Council is that on the principle on which we have been acting as regards surplus balances we have not a surplus balance from 1st January of this year, but we have assets which are readily realizable and against which expenditure can be prudently made. I think, sir, that though it is desirable to avoid a deficit some circumstances may justify it, and I think that the crisis through which we are passing in consequence of the great depreciation of the rupee, and the fact that the neighbouring continent has not been able to avoid a deficit, notwithstanding that there they have had to resort to considerably increased taxation which we have not proposed, afford ground for proceeding on the course proposed in the expectation of a deficit that would otherwise be objectionable. With these observations, sir, I beg to move the motion which stands in my name.

The Hon. the TREASURER seconded.

The Hon. the AUDITOR-GENERAL:—Sir, I shall be very brief as I only rise to make a kind of personal explanation. As one of the three officers who practically advise Your Excellency on financial matters, I feel it my duty to say that I cannot concur in Section 16 of Your Excellency's Message which has just been read to Council. The statement there is:—"There was, besides, a surplus of about R836,000 of revenues of former years available for appropriation on 1st January 1894." It fell to my lot to prepare the accounts for 1893, and as will be seen in the Blue Book for that year at page C20 there is a heading:—"X—Statement showing the balance of the Ceylon Government available for appropriation on January 1, 1894." That return is entered as *nil*, is signed by me, and dated 23rd May 1894. I am not aware on what basis it can be stated that R836,000 is available for appropriation, but as I understood from the Hon. the Colonial Secretary when he made his statement, he arrives at that conclusion by the following process of calculation. He takes the Blue Book for 1892, and at page 72, Part II finds a Statement similar to the one I have just quoted:—"X—Statement showing the balance of the Ceylon Government available for appropriation on January 1, 1893." That is signed by the hon. member for the Western Province who sits next me (the Hon. Mr. Elliott), is dated 6th June 1893, and it states that the balance available for appropriation on 1st January 1893 was R1,061,038·25. I believe that it is perfectly correct that at that time there was that sum available, but since then a year has elapsed. As correctly stated by the hon. the Colonial Secretary the expenditure for last year exceeded the revenue by some R224,000 and that amount has to be deducted from the balance available for appropriation; and I am sorry to say that I have not succeeded in persuading the other official members of the Government that I am correct in asserting that from that balance there have also to be deducted other items, for instance I assert that there should be deducted from that amount the unexpended balances of the year 1893 which have been carried forward for expenditure during 1894. I assert that these unexpended balances being carried forward for expenditure in 1894 are also appropriated and cannot be appropriated again and so long as the purpose holds good to expend those balance on defined objects during 1894 that sum of money is locked up for these purposes and cannot be available for any other purpose whatsoever. I assert further that if a statement be made on exactly the same lines as the statement for 1893 up to 31st December 1893 or 1st January 1894 that statement will show that I was perfectly correct in stating that there was no balance available for appropriation on 1st January 1894. It is a matter of accounting but I am sorry to say, sir, that it is a matter on which doctors severally differ. I have to thank your Excellency for permitting me to make this statement.

The Hon. W. W. MITCHELL:—I think, sir, that all the members of this Council will be gratified at the terms of the Message which your Excellency has conveyed to it today, and I think there will be special gratification felt at the graceful concessions which appear to have been made by the Secretary of State to the views which were expressed by the unofficial members more especially. I am sure the members, the unofficials especially, will readily consider the proposals which have been put forward and most earnestly consider them with a view to arriving at a conclusion which will meet the wishes of the members of the Public Service as far as possible; but it seems to me that time will be required for us to give the consideration that is necessary to such an important subject, and without attempting now to discuss the details which it will be necessary to do, especially in view of what has fallen from the hon. the Auditor-General, I think it would be well if we deferred the motions to an adjourned meeting say until the 19th inst. That would give ample time to members to consider the details and they would be better prepared to discuss them than they possibly can be at present

SIR JOHN J. GRINLINTON:—I beg to second that motion, sir.

On the question being put, the motion was unanimously agreed to, and consideration of the matter adjourned accordingly.

The second motion in the name of the Lieut.-Governor, being consequent upon the passing of the first, was of course not taken up. It was as follows:—

That, with reference to the foregoing resolution, a Committee consisting of the Auditor-General, the Treasurer, the Government Agent of the Western Province, and all the Unofficial Members be appointed to inquire into and submit their recommendations upon the public expenditure, with a view to suggesting any reductions in Establishments.

REVISION OF THE ORDINANCES.

The Hon. the ACTING ATTORNEY-GENERAL (Mr. P. Ramanathan) then rose to move the first reading of "an Ordinance to repeal certain laws, ordinances and proclamations." He said:—My statement of the reasons and objects of the bill which I have now the honour to introduce need not occupy the attention of hon. members more than one or two minutes. Your Excellency having determined to issue a revised edition of the Ordinances it was necessary to eliminate from it not only the laws which had been expressly repealed but also those laws, ordinances and proclamations which had become quite unnecessary and were therefore practically obsolete. In the preamble of this bill you will find it set forth that "it is expedient to repeal certain laws, ordinances and enactments which have ceased to be necessary but have not heretofore been expressly repealed," and that is all that the bill seeks to attain. There are about 30 such laws which are necessary to be repealed, and you will find appended to the bill a statement showing the reasons for the repeal of the laws which are mentioned in the schedule. I need not trouble the Council any further upon the subject. I shall only formally move the first reading of "an ordinance to repeal certain laws,

ordinances, and enactments," and I propose to take the second reading of the bill when we next meet, which will be on the 19th inst.

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

ADJOURNMENT.

On the motion of H. E. the LIEUT.-GOVERNOR Council adjourned till Thursday, the 19th inst., at 3 p.m.

Council rose at 4 p.m.

SATURDAY, JULY, 19th 1894.

Present :—His Excellency Sir A. E. Havelock K.C.M.G., Governor, presiding; H. E. Sir E. N. Walker, Lieut.-Governor and Colonial Secretary; H. E. Major-General Clive Justice Commanding the Forces; the Hons. P. Ramanathan, Acting Attorney-General; J. A. Swettenham, Auditor-General; F. R. Saunders, Treasurer; E. Elliott, Acting Government Agent, Western Province; Allanson Bailey, Government Agent, Central Province; R. Reid, Principal Collector of Customs; Dr. W. G. Kynsey, P.C.M.O.; P. D. Anthonisz, Burgher Representative; W. W. Mitchell, Mercantile Representative; and A. de A. Seneviratne, Lowcountry Sinhalese Representative; Sir J. J. Grinlinton, European Representative; T. B. Panabokke, Kandyan Representative; M. C. Abdul Rahiman, Muhammadan Representative; P. Coomara Swamy, Tamil Representative; Giles F. Walker, Planting Representative.

PAPERS.

H. E. the LIEUT.-GOVERNOR :—I beg to lay on the table, sir, several Administration Reports :—

Administration Report of the Eastern Province for the year 1893. Part I., Local Boards, and Thoroughfares. Part II., Scientific :—Public Works Department. Part III., Judicial: Police. Part IV., Miscellaneous: Colombo Water Works; Railways; Post and Telegraphs and the Report of the Kelani Valley Railway Commission.

ULAPANE STATION AND THE GAMPOLA-NAWALAPITIYA ROAD.

The Hon. T. B. PANABOKKE :—I rise, sir, to give notice that at the next meeting of Council I shall ask "Whether the Government intends connecting the railway station at Ulapane with the Gampola-Nawalapitiya road, by opening a road."

RAILWAY STATION WANTED.

The Hon. T. B. PANABOKKE :—I also give notice, sir, that at the next meeting of Council I shall move :—

"That this Council requests that His Excellency the Governor be pleased to cause an enquiry to be made into the desirability of establishing a Railway Station between Peradeniya and Gampola."

A RAILWAY TO NEGOMBO.

The Hon. P. D. ANTHONISZ asked whether it would not be desirable to connect Negombo with Colombo by a railway, when the lines under construction are completed, as the Western Province has the largest population in the island, and it would be a boon to the population on the sea-coast to have speedy communication with the city.

He said :—It is needless for me to say, sir, that a railway connecting Colombo with Negombo, which has a large population, would be a boon to the public. I am aware that there is water and land communication to Negombo by boats, steamers, coaches and carts, but nothing would equal a railway for passengers. It would not only enable those who travelled at present to do so with greater speed and safety, but it would be the means of inducing those who had never travelled before to make use of the railway. The sea coast line of railway should be looked upon as a metropolitan railway more for passengers than for goods. I trust, sir, that when the lines which are at present in course of construction are completed, Your Excellency will see your way to construct a railway connecting Negombo with Colombo.

H. E. the LIEUT.-GOVERNOR :—In reply to the hon. member's question, sir, I can say very emphatically that Government do consider that it would be desirable to connect Negombo with Colombo by railway, and, as evidence of that desire, I think I may fairly refer to the extensions which the Government are at present carrying out in other directions; but, sir, it would hardly be prudent and proper at the present time to promise the precise order in which still further extension might be carried out.

SESSIONS OF THE SUPREME COURT.

The Hon. P. COOMARA SWAMY moved for a comparative statement shewing :—

(1). The Criminal Sessions of the Supreme Court held in all places save Colombo during the three years ended June 30th 1894. (2.) The number of cases tried and disposed of at each Session held at each place. (3.) The number of witnesses examined at each Session. (4.) The batta and other allowances paid at each Session to (*a*) the Presiding Judge, (*b*) the officers of the Court, (*c*) the Jurors, and (*d*) the Witnesses.

He said:—I am sure, sir, that the Government will have no difficulty in preparing the statement and I am equally sure that the Government will see it is desirable to furnish such a statement, because there is an idea—whether it is ill or well-founded I do not know—that there is a vast expenditure incurred in respect of the Sessions, in payment of batta to judges, law officers and others. I therefore think it is desirable the public should know what amount is being expended and in what manner it is being expended.

The Hon. T. B. PANABOKKE :—I have great pleasure in seconding the motion of my honourable friend.

H. E. the LIEUT.-GOVERNOR :—In reply, sir, I can only say that there is no objection to giving that information. In point of fact in anticipation of the hon. member's motion the information is now being collected.

COMPENSATION FOR FALL IN EXCHANGE.

H. E. the GOVERNOR then said :—The next business on the notice paper is to resume consideration of the motion of the Lieut.-Governor in the course of which the adjournment was carried on the motion of the hon. member representing the Mercantile section of the community.

SPEECH BY THE MERCANTILE MEMBER.

The Hon. W. W. MITCHELL then said :—Sir, as the mover of the adjournment of the debate on the motion brought forward by the Lieut.-Governor at the last meeting, it falls to me to continue the subject. The subject of compensation for the fall in exchange is one of the most important that has been brought before the Council for its consideration for a very long period. It was reported upon by the Sub-Committee of Unofficials in the early part of the current year, and their Report, brought up in the Council, was forwarded to the Secretary of State, and his reply which was received in due course was embodied in th

Message which Your Excellency caused to be addressed to the Council at the last meeting. During the interval the Unofficial Members have given the question their most careful consideration. Meetings have been held, explanations have been afforded by the Members of the Executive Council who are more especially responsible for advising in regard to matters of finance and the Unofficial Members have now agreed upon a course which they will recommend, and which will be embodied in an amendment to the Lieutenant-Governor's motion, which I will bring forward presently. Before bringing up the amendment, however, I wish to refer to the statements regarding

LIABILITIES AND ASSETS,

which were spoken of at the last meeting of the Council, and to which the Auditor-General more especially referred. As most of the members are aware, there is a statement formulated, in each year, representing on one side the liabilities of the Colony and on the other the Assets. There is likewise a second statement made up, representing, or supposed to represent, the amount of the Assets which are believed to be available for appropriation on a given date. Now, whilst holding that, the method of making up the statement of balances available on 1st January in each year, one which has been followed—possibly correctly followed—by the Auditor-General, for a long series of years, it is plain I think, when we take the two statements that I have referred to, that of the Assets and Liabilities and the one said to indicate the balances available for appropriation, that there was, as a matter of fact, no balance available for appropriation on the 1st January 1894. If we are to attach any importance to, or place reliance upon, the statements contained in the Blue Books, we must accept the statement on page C 20 of the Blue Book for 1893, as correct, or place no reliance upon it at all. In making up that statement it has been the custom, I believe, of the Auditor-General to regard the Liabilities of the colony as something that might be looked upon as now due, and on the other hand the Assets as something that could not be looked upon as liquid, a portion—a large portion—and possibly the whole of it having already been appropriated. In making up that statement, I believe the principle followed is to look upon such items for instance as the loans to the Municipalities and the loans to the Local Boards as only available for the purposes of that statement to the extent of the interest that may be receivable in the year from the Municipalities and Loan Boards to whom the loans were given. In illustration of this, I may refer to statement 5 of the Assets and Liabilities in the Blue Book for 1893. The total amount of the loans therein shown is R331,989. But in making up the statement of balances available for appropriation, I understand that only a sum of R4,668 is regarded as available, and in a similar way the amount of advances for general stores is largely reduced by the moneys appropriated for the purpose of reimbursing the Crown Agents for the purchaes of stores which are regarded as inconvertible. Now if items like these are kept out of the list of assets it is very easy to understand how that statement might become—well a very misleading one—more or less hypothetical and made up in a very arbitrary manner, and might be made to show almost anything that the compiler might desire; and it will depend very much upon the manner in which the compiler looks upon the various items of Assets and Liabilities what the balance of that account may be. Having said this much in regard to the balances available for appropriation, I think we may leave it. The account we have more especially to do with is that relating to the total Liabilities and Assets of the Colony. It seems to me that it is scarcely necessary to travel beyond that statement in order to ascertain the financial position of the Colony, and it is plain from the statement in the Blue Book for 1893 that the excess of Assets over Liabilities on 1st January 1894 was R1,583,809. I understand that

CERTAIN CORRECTIONS

have been made in that statement. It is needless to go into them in detail at present, but the result of these corrections I am given to understand is that the excess of Assets over Liabilities has been increased to R2,040,589·28, so that the financial position of the Colony is a great deal better than we had supposed when the account in the Blue Book was issued. Well, as I have said, we need not travel beyond that account when we consider whether we are in a position to find the funds to enable us to pay the compensation proposed by the Secretary of State for 1894. I would again refer to the Message of Your Excellency. It is there shown that the revenues for the past seven years or so have shown a steady increase. I believe that the average increase for the past seven years has been about R690,000 each year, but, sir, I think, it would be unwise and unsafe to reckon upon a continuance of an annual increase to that extent. During these years the tea industry has been gradually expanding, and it may be that it has got to that point beyond which it will not expand much more. I do not mean to say that we have reached finality, but as the revenue derived largely depends upon the prosperity of tea, it would be unwise to reckon upon a continued increase to anything like the amount I have mentioned in each year. We have to consider what amount of revenue is likely to be available when we take into consideration proposals such as have been made by the Secretary of State, because it is not only for one year that it is proposed now to make provision, but for all time coming. The original proposals made to us during last year by the Secretary of State and the Civil Servants would have involved an expenditure, according to the statements that were submitted to us at the time, and as to the correctness of which I have some doubts; of somewhere about £8,000 or £9,000 sterling. What we are now asked to provide is a very much larger amount, and I understand from the officers who have compiled the statement that the amount required for the domiciled and non-domiciled members of the Service will be as much as R331,923, whilst the amount proposed to be given to the clerks and those in the Subordinate Service is R196,279—together, over R500,000, the amount mentioned by Your Excellency. Well, this is nearly three times as much as before if the original statement was correct, which I have said I am inclined to doubt. The Unofficial Members in considering the proposals of the Secretary of State are of opinion that there should not be a distinction drawn, as they stated in their Report of February last, between the domiciled and non-domiciled members of the Service. I may mention in passing that it is computed that the amount that would be payable to the domiciled members would not be more than £2,086 of the whole, a very small proportion as compared with the amount required for the undomiciled members. With regard to the

CLERKS AND THOSE IN SUBORDINATE POSITIONS

the Unofficial Members strongly recommend that that large and deserving body of men should be

better paid than they have been. At the same time I must point out that an increase of 10 per cent on their salaries is a comparatively large increase, and is a larger percentage of increase than is proposed to be given to any of the other branches. The Unofficial Members hesitate to commit the colony to a large increase of expenditure permanently, but they are willing for 1894 to vote the sum that would be necessary to pay in accordance with the proposals of the Secretary of State, and they would justify that on this ground largely. The members of the Service were promised long ago by the Secretary of State that if they would wait until matters had been settled by India, they would obtain compensation from probably the same date. Well, I think it was in April 1893 that the arrangement was concluded in India so that the members of the Ceylon Service have deen kept waiting all that time for some decision. It is hard that the matter should have been hung up so long, and I think it is only fair that we should meet them to this extent, and be ready to pay the whole amount, about R500,000, required in order to carry out the proposal of the Secretary of State for this year. It is, however, essentially the duty of the Unofficial Members to consider well and to see carefully whether the finances of the colony will stand the payment later on. In this view I may say they are unwilling to commit themselves to more than one half what the Secretary of State proposes for 1895 until they see the Estimate of Revenue and Expenditure for 1895. I think that all the members of this Council will agree that the Unofficials in putting forward this proposal are only acting as prudent men ought to act. If we were to go into this matter and agree blindly to what has been proposed without very carefully considering what amount of revenue would be available, without being careful to see that the public departments are not starved, that public works are not suppressed, and that the Service as a whole is not crippled, we should not be doing our duty. In the course of a few months the Estimates will be before us, the inquiry that has been conceded by the Secretary of State and which will be moved when the motion we are now discussing has been disposed of, will probably have been held and the results be before us, and with all that information the Unofficials will then be in a position to determine whether, in their opinion, the colony can afford to pay the whole amount of the proposals put forward by the Secretary of State. They are hopeful that without starving the departments or curtailing needful works it may be possible to pay the amount proposed, and I think I may say on behalf of my Unofficial colleagues that they will rejoice if sufficient revenue is available to do that. There is only one other point I may refer to before sitting down and that is with regard to persons joining the Service after this resolution has been passed. It is felt by the Unofficial Members that persons joining the Service now ought not to participate in the privileges which will be conferred by the resolution which we expect to see passed. I think this is only fair. Men who join the Service after this, do so with their eyes open. There are applicants for every sort of position in the Service at the present rates of salary which ade perfectly well known, and I think it would be an injustice to the members who joined the Service long ago and have borne the heat and burren of the day, if the newcomers were to participate in the same way as the others. I would move the following, sir, as an amendment to the motion now before us:—

"This Council is prepared to give effect to the proposal contained in the Message of H. E. the Governor dated 7th July from the 1st January to the 31st December, 1894, and to vote the money necessary for that purpose.

"The Unofficial Members desire to add a strong recommendation that the officers of the Public Service domiciled in Ceylon should be granted the same privilege as that accorded to those who are not domiciled, viz. that they should be paid ½ (instead of ¼) of their salaries at 1s 6d the rupee, and if this recommendation be approved by the Secretary of State, the Council will be prepared hereafter to vote the additional sum required to give effect to it for the year 1894.

"The Council is not prepared at present to bind itself to pay more than one half of the rates proposed by the Secretary of State from 1st January, 1895, but when the Estimate of the Revenue and Expenditure of the year are before it, the Council will be willing to vote that the full amount as recommended by the Unofficial Members be paid from 1st January 1895, provided that in its opinion the financial position and prospects of the Colony as then disclosed clearly shew that the larger amount can in future be granted whilst having a due regard to the requirements of public expenditure.

"It is further the opinion of this Council that no one entering the Public Service after the passing of this Resolution should participate in any of the privileges conferred by it."

THE EUROPEAN REPRESENTATIVE.

The Hon. SIR JOHN GRINLINTON:—I beg, sir, to second the amendment proposed by my hon. friend. I have followed his remarks with care and adopt them as expressing my own views. Therefore I shall not detain the Council with needless repetitions more particularly as I expect that on an important question like this, Council may go into Committee.

THE PLANTING MEMBER.

The Hon. GILES F. WALKER:—Sir, I should like to say a few words with regard to the amendment which has just been moved by the hon. the Mercantile Member. While agreeing with the views expressed in the Report of the Sub-oCmmittee on 15th Febebruary last, and, as I understand, sanctioned or approved by the Seeretary of State as mentioned in your Excellency's Message to the Council at the last sitting, that no distinction should be drawn between the native and European members of the Public Service, yet, sir, it seems to me that such a distinction in this or any similar case is more of an accidental nature than in essence a distinction. The additional expenditure involved in the present instance, as stated by the hon. member who moved the amendment, is so slight that I should not wish in any sense to oppose the amendment before the Council—an amendment which I understand is accepted by hon. members on the Unofficial side; but in saying this hon, members will I hope not misunderstand me. If, in any sense this, were a question of intentional distinction, I should most strongly oppose it (Hear, hear.) as equally invidious and unjust (Hear, hear). But it appears to me, sir, that some similar question may conceivably arise in the future in which any such action as it is proposed to take here today might saddle the revenue of the colony with a very considerable increase of taxation, and I wish to express my conviction that such distinction as is here made is accidental rather than intentional, and, while cordially supporting the amendment now before the Council, to guard myself against it being supposed that in assenting to the proposal today I, or any other hon. member, am

bound to occupy a similar position in any future case that may arise. It appears to me, sir, that if any question comes before the Council in the future involving heavy expenditure on the part of the colony, it ought to be considered on its own merits, and that in assenting to the amendment now before the Council we are not to be held as binding ourselves in any way for the future.

THE MUHAMMADAN MEMBER.

The Hon. M.C. ABDUL RAHIMAN: —Sir, I concur with the motion for granting compensation for fall of exchange to all public officers. With reference to the Message of Your Excellency, I see it is there stated that "the Secretary of State, having reconsidered, the whole matter in the light of the Governor's representations and of the views of the Unofficial Members of the Legislative Council, has Communicated to the Governor the conclusions at which he has arrived." I am grateful to His Lordship for considering the requests of the Unofficial Members, but I must say his decision is not in accordance with the wishes of the Unofficials. However, that His Lordship viewed the matter in a proper light cannot be denied. The non-domiciled officers are generally more burdened with sterling charges in connection with remittances and their mode of living is more expensive than the others and they are prohibited from owning property in the colony. But the domiciled officers are not burdened with sterling charges except in some cases, chiefly for the education of their children. They seldom visit Europe, and they have the privilege of owning property, and their mode of living is less expensive. But at present, considering the small number employed on the Civil Service, both should have the same treatment. There will be an increase of 10 per cent on the salaries of those in the clerical and subordinate branches who are very deserving and are suffering more than their superiors. The non-domiciled officers are at present receiving compensation for exchange for leave and pension and that will remain the same. With regard to those who are not now enjoying the family remittances it is for them to arrange either to accept the new arrangement or to reject it, for it seems to me that the option is given to them. Sir, in reference to the second paragraph of the motion allowing an Inquiry to ascertain whether any reduction can be made in Establishments in order to effect a saving in the Colonial expenditure, I think that should have come first, but I can understand that the Secretary of State is determined to allow the compensation and increase of salaries from the beginning of this year, being very anxious to settle the vexed question. Sir, this liberal policy mean that we shall have to face a heavy charge, and the Secretary of State must be fully aware that a saving could not be made with the proposed increase of the expenditure, unless there is a reverse in the value of the rupee, which I hope will be the case. The Ceylonese are unaccustomed to any direct taxation, but the Indian Government recently imposed duties on imports chiefly to meet the deficiency. I think next year the Colony will have to make larger remittances to meet the increased military contribution and interests. The Colony once passed through a heavy ordeal, that was prior to Your Excellency's predecessor, on whose arrival, the colonial contribution was reduced, and retrenchment and reformation were made in the Civil Service in order to meet the deficiency, and his frugal policy revived the Colony and brought it into a more flourishing state. The Ceylonese are better off than their neighbours. When they fail in one product, another is brought forward to meet it. But I must say at present, the prospect of the Colony depends upon a single product which does not seem to be so very flourishing as it was. But we have another in store.

The Hon. the AUDITOR-GENERAL:—With reference to what has fallen from the hon. the Mercantile Member I think it my duty to state, sir, that I admit the correction which he has anticipated ought to be made in page C 13 of the Blue Book of 1893. That statement is still undergoing revision, sir, and unquestionably the excess of Assets over Liabilities ought to be increased to a sum exceeding 20 lakhs of rupees. I extremely regret that a statement emanating from my office should require this correction, sir, and I feel it is exceedingly unsatisfactory that the printed statement before the Council is not correct.

The Hon. P. COOMARA SWAMY:—Sir, I heartily endorse the remarks made by the hon. member for the Mercantile community. As to the question of domiciled and non-domiciled members of the Public Service I do not think this is the time to enter into any discussion of that, and I think it is right that in considering a subject of such vast importance to so many members of the Public Service no opinion should be expressed today which would mar the harmony which should prevail. Carefully avoiding that point therefore I most heartily endorse the opinion of the hon. Member for the Mercantile community and I hope the Council will unanimously adopt the resolution proposed.

The Hon. A. de A. SENEVIRATNE:—I should like to know, sir, whether in view of the amendment that has been proposed, it is the intention of H. E. the Lieut.-Governor to press his motion or to withdraw it I may say with regard to my own opinion that the hon. the mover of the amendment has expressed it every well.

H. E. the LIEUT-GOVERNOR:—I may say on behalf of the Government that there is no objection to the withdrawal of my resolution, and to the substitution for it, as an original resolution of the amendment which has now been proposed by the hon. member who represents the Mercantile community. (Applause.) For my own part and giving my own impression I think the course proposed is one of reasonable caution on the part of the Unofficial Members though I still adhere to the view that there is no necessity for such a course. It is quite natural that there should be a difference of feeling on the part of the Official Members on the one side, and of the Unfficial Members on the other side in the circumstance that the Unofficial Members necessarily cannot have given sufficient time to the subject to satisfy themselves so certainly of the accurary of the position, as the Official Members have done to satisfy themselves. I should like to make one remark with reference to statement X of the Blue Book which has been to some extent condemned by the high authority of the hon. member who represents the Mercantile community. The point I wish to call attention to, sir, is that there is really no difference between my hon. friend the Auditor-General and myself The Auditor-General was quite correct in his statement, but the difference between us is that in making that statement he looks at the facts from a different point of view from what I do. The statement has been prepared and published in the Blue Books since 1878 I think. It has been prepared with what I may call a superabundance of caution. There has been no harm in that caution being observed but what I wish to impress upon the Council is that there is really no difference in fact between the Auditor-General and myself. The Auditor-

General's statement is quite correct looking at it from the point of view from which he looked at the figures. I am sure, sir, from the remarks that have been made by hon. members, that the Unofficial Members quite understand that the strong recommendation for the extension of the full compensation to domiciled officers emanates entirely from them, and that this is a matter for consideration between them and the Secretary of State. I say so because in the position of Officials we could not join in recommending anything which is a departure from what we have been instructed to regard as the ultimatum of the Secretary of State. It is perhaps somewhat ungracious on my part to say one word which would appear to be opposed to the interest of another class with regard to a measure from which the class to which I belong has so much benefited, but, sir, it would hardly be consistent after all we have said and done, to say at once that we, even if we were free, would heartily and sincerely join in such a recommendation. Notwithstanding that opinion, sir, I should be sincerely glad in the interests of the class of officers concerned, if the recommendation of the Unofficial Members which has hitherto had so much weight, meets with the approval of the Secretary of State. (Applause). I think, sir, it is perhaps unnecessary for me to repeat what I said when opening this discussion that the whole Public Service, of which I happen to be the head, must, and certainly does, feel grateful for the liberality of expression and liberality of action which has been shown to them in this matter. (Applause).

The Hon. W. W. MITCHELL :—I merely wish, sir, to make one remark to the effect that the expression of opinion that has been elicited has been so full that I think it will be unnecessary to go into Committee as has been suggested by my hon. friend on my right (Sir John Grinlinton). I think that sufficient opportunity has been afforded already for the expression of opinion and that opinion has been so clear that it is unnecessary to press the discussion further.

H. E. the GOVERNOR :—The original resolution proposed by the Lieut.-Governor having been withdrawn, the amendment proposed by the hon. member who represents the Mercantile community becomes the original motion.

The question was then put and the Hon. Mr. Mitchell's motion was declared unanimously carried, amidst applause.

THE INQUIRY INTO ESTABLISHMETNS.

H. E. the LIEUT.-GOVERNOR :—I beg now, sir, to move the second resolution, viz. :—

"That, with reference to the resolution which has been passed a Committee consisting of the Auditor-General, the Treasurer, the Government Agent of the Western Province and all the Unofficial Members be appointed to inquire into and submit their recommendations upon the public expenditure, with a view to suggesting any reductions in Establishments."

I may state, sir, that I have proposed that all the Unofficial Members should be engaged in this inquiry for the reason that in Your Excellency's Message which is a complete echo of the Secretary of State's despatch, it is contemplated that all the Unofficial Members will take part in it, and the question is reserved for consideration whether there should be Official Members associated with them. Sir, it has since occurred, on consideration, that a Select Committee consisting of such a number of Unofficial Members may not be so convenient to meet and discuss the matter, considering their numbers and the difficulty of getting them all to meet. As far as Government is concerned, sir, it will be willing to give them all power and means of inquiry. If hon. members themselves, especially the Unofficials, think that the better course will be to have the larger Committee I shall move my resolution as it stands. Should, however, their opinion be that which has occurred to us more lately, that it would be more convenient to have a limited number, say five, I shall ask permission to alter my amendment accordingly. The only other remark which I would make in moving this resolution is that I have hitherto opposed the appointment of any such Committee. Conscientiously believing as I do that it would end in results which would not be commensurate with the time and labour bestowed on it, I could not do otherwise than I have done. As I have said before, I feel quite satisfied that the result of this inquiry will redound, as in the two cases of which I have previous experience, to the credit of the Government and no party will have more cause to congratulate itself on the inquiry than the Government itself. When the Committee is appointed I myself and all the other officials I am sure will give the fullest assistance and co-operation.. If the Unofficial Members adopt the alternative I have thrown out to have a less numerous and perhaps more workable body, I would suggest that the five Unofficial Members to be appointed along with the three Official Members named, five being a quorum, should be the Hons. P. D. Anthonisz, W. W. Mitchell, Sir John Grinlinton, A. de A. Seneviratne, and P. Coomaraswamy.

The Hon. the ACTING ATTORNEY-GENERAL :—Sir, I beg to second the motion as it stands with liberty to the Unofficial Members to adopt the course of appointing five of their numbers as suggested by the Lieut.-Governor.

The Hon. W. W. MITCHELL :—I think, sir, that in the despatch of the Secretary of State which was made available to the Unofficial Members, it is contemplated that all the Unofficial Members should serve upon this Committee of Inquiry. I feel that the selection of five would be somewhat invidious, and for my own part, and without having conferred with my colleagues on the subject, I would prefer that all the Unofficial Members should serve on this Committee. I think that after the liberal spirit which has been exhibited today the Unofficials will confidently look for cordial support from the Officials in conducting this enquiry. The unofficials hope that it will be found possible to make substantial reductions, but everything will depend, I feel sure, upon the hearty co-operation of the Officials with the Unofficials. I served upon a Retrenchment Committee of this Council many years ago and I am afraid that not very many of their recommendations were given effect to. I hope that the fate of this Retrenchment Committee may be very different from that, and that we may see our way to effect very considerable reductions without in any way affecting the efficiency of any department of the Public Service.

H.E. the GOVERNOR.—I may say at once that I perfectly understand the wish of the Secretary of State to have been that the whole body of the Unofficial Members should be included in this Committee. The suggestion that has fallen from the Lieut. Governor has simply been made as the result of the reflection that a Committee so constituted might prove to be inconveniently large, and it was therefore only for the convenience of the Committee itself and in the hope of promoting the discharge of their duty that the suggestion was made. As it appears, however, from the remarks that have fallen from the

member who represents the Mercantile community that it is desired that the original proposal of the Secretary of State, that the whole body of Unofficial Members should sit on the Committee, I may say at once that there is not the slightest objection on the part of Government to that wish being carried out.

The Hon. A. DE A. SENEVIRATNE:—For my part, sir, I would like the whole body of the Unofficials to be on the Committee as they are to be associated with some of the Official Members, and it is a great advantage to have on the Committee some Official Members.

The Hon. Sir. JOHN GRINLINTON.—Might I suggest, sir, that if a small quorum was named it would get over the difficulty.

H. E. the GOVERNOR:—I should be much obliged to the Unofficial section of the Legislative Council if they would suggest a limit for the quorum.

The Hon. P. COOMARA SWAMY suggested three.

The Hon. Sir JOHN GRINLINTON.—I think five would be better, because with that number you might have all the elements of the Committee present; whereas if the quorum were fixed at three, those three might be Officials.

H. E. the GOVERNOR, after a pause:—I understand that it is the wish of the Unofficial section of the Council that the limit of the quorum should be fixed at 5.

This being agreed to, a clause to that effect was inserted in the resolution which was thereupon adopted.

REVISION OF THE ORDINANCES.

The Hon. the ACTING ATTORNEY-GENERAL:—I rise, sir, to move the second reading of "An Ordinance to repeal certain laws, ordinances and enactments." On the last occasion, sir, when I spoke upon this subject I said that there was added to the bill a statement showing the reasons for repealing every one of the laws included in the schedule. I have no doubt that at least the legal members of the Unofficial side of the house have examined both the schedule and the reasons contained in the statement referred to. I therefore shall not detain the Council by going at length into these reasons which have been so fully stated in writing, and I shall only now observe that the Government Printer has nearly completed the volume of Ordinances as revised by the Law Officers of the Crown, and that the speedy passing of this bill would expedite the publication of a work of great public convenience. I therefore propose later on, when we have got into Committee, to ask the hon. members to sanction my motion to allow the standing rules of Council to be suspended in regard to this bill, for I propose today not merely to take the second reading of the bill but also the third reading, so that the bill may be passed at once for the reason I have stated, namely the publication of the revised Ordinances. If my proposal is assented to, the Ordinances might be published about the 5th of next month.

H. E. the LIEUT.-GOVERNOR seconded.

The Hon. M. C. ABDUL RAHIMAN:—Sir, there is a long list of ordinances and enactments which have ceased, and in fact are inoperative, and are only lying in the Statute Book as a dead letter, but I wish to refer to a particular proclamation of 2nd March 1818 containing certain privileges granted to the Moors for the braveness they displayed in several critical situations. The Moors volunteered of their own accord and at great risk and suppressed the rebellion, and many precious lives amongst them as well as British soldiers were lost through the treacherous action of the Kandyan-Sinhalese. For their meritorious services the Moors were granted special privileges. Among other things Moormen were in particular exempted from the jurisdiction of the Kandyan chiefs. (A laugh.) This proclamation was a mark of respect given to a particular nation whose fidelity was appreciated by the British Crown.

The Hon. the ACTING ATTORNEY-GENERAL:—Might I interrupt my hon. friend for a minute to say that the proclamation he refers to does not appear here and has long been obsolete. It is not included in the authorised ordinances at all.

The Hon. M. C. ABDUL RAHIMAN:—It may not appear there, but I have seen it somewhere else, in another book. (Laughter.) I regret that within three-quarters of a century it has ceased to be in existence; only I would remind this Council that the Moors were the first who acted as volunteers in Ceylon. I am glad to find the village tribunals giving satisfaction to all alike and no kind of ill-feeling existing between the Moors and Sinhalese. I would not oppose the repeal of this proclamation.

The Hon. P. COOMARA SWAMY:—Sir, I do not see why we should not pass this Ordinance today. The Ordinances with which it deals are obsolete and I hope the Council will allow the second and third readings to take place and pass it today in order to facilitate the bringing out of the volume of revised Ordinances which will be of great use to the public.

H. E. the GOVERNOR put the question and the ordinance was read a second time.

On the motion of the Hon. the ACTING ATTORNEY GENERAL seconded by H. E. the LIEUT.-GOVERNOR, Council went into Committee on the bill.

The Hon. A. DE A. SENEVIRATNE:—I should like to know whether this Ordinance will be included in the revised edition of the Ordinances, and whether the form that is given in Schedule B will appear separately or as a portion of this ordinance in the revised edition.

The Hon. the ACTING ATTORNEY-GENERAL:—I understand the hon. member to ask whether Schedule A (containing the list of enactments repealed) will be printed in the opening pages of the revised edition. The Government can have no possible objection to that if it will serve any public convenience.

The Hon. A. DE A. SENEVIRATNE:—I did not intend to express any opinion as to which would serve public convenience. I only wanted to know what is going to be done.

The Hon. P. COOMARASWAMY:—I think it would be very important to add the bill under consideration to the new edition, because how else is one to know what has been repealed. Take the last edition of the Ordinances. It professes to contain only the existing laws while as a matter of fact it does not contain some proclamations that do exist. Therefore it would be well to incorporate this ordinance with schedule A in the revised edition, in order that people may know to what extent bills have been repealed.

The Hon. the TREASURER:—I think, sir, that it will be absolutely necessary to have this ordinance which gives authority for the omission of certain parts of the law now existing, inserted in the new edition, and that it should contain the schedule as well as a list similar to that which was prefixed to the last edition of the Ordinances which gave a table of the titles of all proclamations, regulations and ordinances in force in the colony at the date at which the revision took place. In the new volume there would then appear the ordinance which

authorises the omission of certain ordinances, proclamations and clauses, and each of those would be stated in the schedule affixed to the ordinance; and in addition to that, for the convenience of the public generally, there would be a table showing all the ordinances and proclamations which were in force after the revision had taken place.

The Hon. the ACTING ATTORNEY-GENERAL:—If your Excellency will permit me I may mention that this ordinance will bear a number and its year, that is to say that it will be 3 or 4 of 1894, and it will occur in the volume in its proper place.

EPISCOPAL CHURCH TRUSTEES.

Council then proceeded to pass schedule A, when H. E. the LIEUT.-GOVERNOR moved that Ordinance 12 of 1846 'an Ordinance to regulate the temporal affairs of the Episcopal Church in Ceylon Sect. 8" be inserted between "Ordinance 10 of 1844" and "Ordinance 11 of 1848." He was understood to say that he made this motion at the request of the Bishop of Colombo and then proceeded:—Section 8 provides that no election or appointment of any trustee shall be valid without the sanction of the Governor. Eight or nine years ago in view of Disestablishment a legal opinion was given by the Government that the sanction of the Governor was no longer necessary. Some trustees, however, having legal views of their own, were not altogether satisfied with that opinion and being under that impression have held to their conviction that their appointments were not good because of the omission of the Governor's sanction. What is now proposed is that that section shall be repealed and that it should be put beyond question that the sanction of the Governor is not necessary.

This was agreed to.

RETAIL OF TODDY.

With regard to the form of license to retail toddy,

The Hon. A. DE A. SENEVIRATNE asked why the form in schedule B had been adopted in lieu of that in Ordinance 10 of 1844.

The Hon. the ACTING ATTORNEY-GENERAL:—That is because this form is needed.

The Hon. A. DE A. SENEVIRATNE:—It must be, I suppose, because there is some other form applicable to arrack and rum.

The Hon. the AUDITOR-GENERAL and the Hon. the GOVERNMENT AGENT, Western Province, were understood to reply that there was a form for arrack permits in the licensing ordinance.

The Bill having passed through the Committee stage the Council resumed when

The Hon. the ACTING ATTORNEY-GENERAL reported the bill as amended and moved that it be referred to the Law Officers of the Crown. This was agreed to and then the hon. gentleman moved the suspension of the standing orders which was likewise agreed to, and then he brought up the report of the Law Officers of the Crown which was read by the Clerk.

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

H. E. the GOVERNOR put the question and the bill was read a third time and passed, His Excellency declaring that he assented to the Odinance.

THE ADJOURNMENT.

On the motion of H. E. the LIEUT.-GOVERNOR the Council adjourned *sine die*.

SATURDAY, AUGUST 18th, 1894.

Present:—H. E. Sir Arthur Havelock, President; Sir E. Noel Walker, Lieutenant-Governor; H. E. Major-General Clive Justice, Office Commanding the Forces; the Hon. P. Ramanathan, Acting Attorney-General; the Hon. J. A. Swettenham, Auditor-General; the Hon. F. R. Saunders, Treasurer; the Hon. E. Elliott, Acting Government Agent of the Western Province; the Hon. Allanson Bailey, Acting Government Agent of the Central Province; the Hon. Robert Reid, Principal Collector of Customs; the Hon. Dr. W. R. Kynsey, Principal Civil Medical Officer; the Hon. Dr. P. D. Anthonitz, Burgher Representative; the Hon. W. W. Mitchell, Mercantile Representative; the Hon. A. de A. Seneviratne, Sinhalese Representative; the Hon. Sir J. J. Grinlinton, General European Representative; the Hon. T. B. Panabokke, Kandyan Representative; the Hon. M. C. Abdul Rahiman, Muhammadan Representative; the Hon. P. Coomara Swamy, Tamil Representative and the Hon. Giles F. Walker, Planters' Representative.

Visitor:—Mr. James Sinclair of Bearwell estate.

PAPERS.

H. E. the LIEUT.-GOVERNOR laid the following papers on the table:—Administration Reports.—Part I, Revenue—Northern Province; Part II, Scientific—Survey Department; Part III, Judicial—Fiscal's (Report of the Deputy Fiscal of the Western Province); Part IV, Miscellaneous—Government Printing Office, Forest Conservancy and Public Instruction, Report of Committee appointed to report on the Sinhalese Reading Books, and a return showing the number and extent of Chena Cultivation in the North-Western Province during the last 5 years.

TOLLS.

H. E. the LIEUT.-GOVERNOR then gave notice that he would, at a meeting of the Council not less than a month hence, move that from and after the 1st day of January, 1895, a toll be established: (1) On the Ambanganga, in Matale, Pallesiya Pattuwa of Matale East; (2) Opposite the Resthouse at Tanamalivila, between the 28th and 29th mile-posts on the Wellawaya road in place of a toll to be abolished on the road between Wellawaya and Haputale.

KANDY PENSIONERS IN THE MADRAS PRESIDENCY.

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

The condition of the persons now residing in the Madras Presidency, who have been in receipt of pensions from the Government of Ceylon, as descendants of those connected with the ruling family in the Kandyan territory, who voluntarily left or were removed from the territory, during the first sixteen years of the present century, has during the past three years been specially engaging the attention of the Secretary of State for the Colonies and of the Government of Ceylon.

In accordance with the policy adopted in 1871 (Sessional Papers, 1871, No. II., paragraph 58), commutation is being carried out in all cases except where the pensioners are in the reserved list. Such reserved pensions are indicated in the Papers annexed to this Message.*

* Government of Madras, 14 h November, 1893, No. 763.

Steps have been taken to secure free education to the children of all pensioners past and present who are willing to take advantage of the boon. But as regards the adult pensioners, their present state is an unsatisfactory one: they are reported to be, as a rule, neither desirous nor able to discover a means of livelihood, while they are generally burdened with debts and dependants.

Past experience with regard to such pensioners has shown that an increase in the allowance granted has failed to ameliorate the position of the pensioner sought to be benefited, and the Ceylon Government has hitherto been reluctant to recommend this step as a cure for the state of indebtedness and embarrassment to which many of the pensioners have grown accustomed. But as the Secretary of State is of opinion that the matter is one which affects the credit and dignity of Ceylon as a community, rather than the immediate interests of the Government, the Governor, with the approval of the Secretary of State, has decided to refer to a Select Committee consisting of the following Members of Council (assuming that the gentlemen named are willing to serve), viz., the Hon. P. D. Anthonisz, C.M.G., the Hon. W. W. Mitchell, the Hon. A. de A. Seneviratne, the Hon. Sir J. J. Grinlinton, Kt., the Hon. T. B Panabokke, the Hon. M. C. Abdul Rahiman, the Hon. P. Coomara Swamy, and the Hon. G. F. Walker, the question whether any further measure of general assistance should be extended to these pensioners.

It is the desire of the Secretary of State that the Select Committee, looking at the matter broadly and in the light of history and precedent, should consider and advise whether it is creditable to the Colony, or defensible on its part, that these pensioners should be allowed to languish in the long-continued state of squalor and privation described in the report annexed to this Message.

It is not proposed that the Committee should go into detailed questions as to the exact amount of the pensions and allowances which may be awarded, but that they should consider whether or not, generally speaking, they can recommend a somewhat more generous attitude to existing pensioners than that which obtains at present.

The correspondence, which is confidential, will be communicated to the Committee.

By His Excellency's command,
E. NOEL WALKER, Colonial Secretary.
Colonial Secretary Office, Colombo 10th Aug. 1894.

H. E. the LIEUT-GOVERNOR :—Assuming, sir, that the unofficial members are willing to give their services in the direction indicated by the Secretary of State, I beg formally to move that the unofficial members be appointed a Committee for considering the questions in this message.

The Hon. W. W. MITCHELL :—On behalf of the unofficial members, sir, I beg to say that they will be very willing to serve on this select Committee to consider whether any further general assistance should be extended to these pensioners.

The Hon. A. De A. SENEVIRATNE:—Might I ask, sir, whether there would be any objection to at least one of the official members serving on this Committee.

H. E. the GOVERNOR :—No, no objection whatever, if that is the wish of the Committee composed of the unofficial members. My instructions are to move that a Committee composed of all the unofficial members be appointed to consider this question, but if the Committee so appointed would wish to have one or even more of the official members associated with them I think I may take the responsibility upon myself of saying there would be no objection.

The Hon. W. W. MITCHELL:—I would then suggest, sir, that the Hons. the Auditor-General and the Treasurer be added to the Committee.

H. E. the GOVERNOR then announced that the Committee so constituted was appointed.

At a later stage,

H. E. THE LIEUT.-GOVERNOR moved, that the quorum of Committee be five, and this was agreed out *nem con.*

THE ULAPANE STATION.

The Hon. T. B. Panabokke asked—Whether Government intends connecting the Railway Station at Ulapane with the Gampola-Nawalapitiya road by opening a road.

He said :—In view, sir, of the answer that has been given to the petition it is hardly necessary I think that I should press the question, because I consider that answer is a favourable one although some of the planters do not seem to think so. In connection with this question I would point out that it is not only desirable to connect the Gampola—Nawalapitiya road with the railway station but also to connect the Dolosbage district with the station by a bridle-path. That is a matter which of course may be considered when the estimates are framed, I now just formally put the question.

H.E. the LIEUT.-GOVERNOR :—It has always been intended since a station was established at Ulapana to open a road, and an estimate was prepared, but it had to give place to other more urgent requirements. This road is about 1,508 ft. long. It may seem somewhat ridiculous to have established a station without providing a road, but the station was made there so far as the Government were concerned quite unadvisedly and without sufficient consideration. The distance between the two stations, Gampola and Nawalapitiya, is only about 7 miles, and had the policy which we have been obliged to observe been given full consideration, I think it is very probable we would never have permitted a station to be established there I may repeat in answer to the question that there is every intention to provide a road and I hope provision will be made in the Supply Bill of next year.

KALUTARA AND THE KALUGANGA.

The Hon. P. D. ANTHONISZ—In order to promote goods and passenger traffic on the Sea Coast Line of Railway, he asked Government to ascertain if it is practicable to establish better communication than exists at present by river between Ratnapura and Kalutara.

He said :- In asking this question I wish to bring to Your Excellency's notice that about the time the railway from Colombo to Kalutara was being constructed during the Government of the late Sir Wm. Gregory, it was considered (if I am rightly informed) that steam communication by river between Ratnapura and Kalutara was desirable. For some reason or another this was abandoned whether it was that the rapids on the river were considered difficult to remove or to cut a canal for navigation too expensive. All that need be done for the present is, as there is a road along the river to connect the road above and below the rapids with the bank of the river to enable boats to load and unload until a canal could be constructed or better arrangements made for navigation. As we have local Steamship Companies it is possible for Government to induce some of them to run a steamer from Ratnapura to the rapids, and another from Kalutara to the rapids below, so as to time their arrival and departure with the Kalutara railway. This would be a great advantage to the people at Ratnapura and also be the means of increasing the receipts of the sea coast railway.

H. E. the LIEUT.-GOVERNOR :—Sir, I was not prepared for a proposal to improve the means of river communication by steam navigation. I imagine sir, that the carrying of passengers by steamers on each side of the falls in the river, which the

hon. member contemplates, would be a matter for private enterprise. I am not sure whether I am correct in assuming that the river requires any considerable improvement in order to permit of its navigation by steamers; I do not know whether it is so or not. That subject has never presented itself to me. The difficulty of passing the rapids and improving the river for navigation was under consideration in 1885, again in 1889 and still later in 1890, and that consideration disclosed very great difficulty and expense in providing locks and removing obstructions. It was found that the number of vessels that passed up and down in a month was only about 500 and supposing they paid a toll of R1 each way that would only be R1,200 on year which was a small sum compared with the estimates that were prepared; and I am informed that even were the navigation of the river considerably improved so as to allow boats to pass more freely, the people of Ratnapura would send their goods on to Colombo by canal instead of having them twice handled by transfer to rail at Kalutara. I am told that about 10 or 12 years ago when the Kalutara line was projected, my predecessor paid a visit to the spot with the result that a siding and a landing pence were provided along the river-side with the view of catch-in traffic down the river, but I do not think that goods have ever been landed there. I may mention that apart from the question of expense it was reported that if we cleared the rapids it would have a very serious effect in shallowing the river in its upper sections.

THE LAND MINUTE AND PUBLIC SERVANTS.

The Hon. W. W. Mitchell asked:—If it is competent for Native Members of the Public Service of the island to own or invest in landed property, in view of the Minutes dated October 3rd, 1846, February 16th, 1863, and October 21st, 1887; or whether these Minutes are to be regarded as applying to European Members of the Public Service only, certain exceptions in favour of Natives being apparently provided for under clause 4 of the Minute of October 21st 1887, and if Natives are thus excepted, to ask for a list of Members of the Public Service to whom the rule does not apply. He said:—I ask this question sir, because there is a good deal of uncertainty with regard to the minutes referred to in it, and I think it would be specially valuable if some plain statements were made of the position by Government at a time like this when the question of compensation to members of the Public Service for fall in exchange is under consideration.

H. E. the LIEUT-GOVERNOR:—Whatever may have been the doubts, or want of uniformity in the application of the regulations in the past, there will, in the future, with one exception, be no difference or distinction between the different classes of officials. The exception to which I refer is the class of native headmen, with whom the possession of land is an indispensable contingency of their position. I may mention, however, that it is not contemplated to require either Burgher or Native Officials to divest themselves of any property they may have already acquired.

At a later stage,

H. E. the LIEUT.-GOVERNOR said:—In supplementing what I have said in answer to the hon. member who represents the Mercantile community about the possession of land by public officers I should say that the difference and distinction which I said would not be observed in future will be shown in regulations which have been under consideration for sometime and are about to be put in force.

AN INTERMEDIATE STATION.

The Hon. T. B. PANABOKKE moved:—That this Council requests that His Excellency the Governor be pleased to cause an inquiry to be made into the desirability of establishing a Railway Station between Peradeniya and Gampola. He pointed out that the district of Uda Nuwara in which the station proposed would be located was an important one having several tea estates in bearing and a large population, besides roads which would act as a feeder to the railway.

He said:—I wish sir, to make a few remarks with reference to this matter. All the districts through which the railway passes have got one or more stations, but between Peradeniya and Gampola there is not one single station. Considering how thickly populated that part of the country is, I think it is but just that the inhabitants of that district should also reap some of the benefits resulting from having a railway station. From the last census returns I find that the population of Udunuwara was 13,277, the details being:—Gangapalata 4,185, Kandupalata 3,059, Medapalata 5,446, and estates 587. Kanderapalata which lies adjacent has a population of 3,863, and there is in addition an estate population of 17,254. Three or four villages in another Korale have a population of 836, making the total likely to take advantage of the station 35,230. I do not mean to say that some of the people might not take advantage of other stations, but I have not the slightest doubt that the bulk of the people will use this new station if established. In addition there are the following nine tea stores in bearing in the district, all of which I think are likely to use a station if established between Peradeniya and Gampola. Further there are six roads, not cart roads, but principal roads leading from the villages to the highway between Gampola and Peradeniya and if a station were established between the two points I have named the passenger traffic along these roads would be attracted to it. In the original plan of the railway between Gampola and Peradeniya there was a site for a station at Geli-oya, a very central position, but unfortunately that part was under water at certain periods of the year, and it was found to be impracticable to build a station there. If my recollection serves me right, land was acquired for the purpose and the sanction of Government was obtained for the erection of a station there, but for the reason I have stated the proposal was abandoned. That part, however, can be avoided and a station put up at a part where it would be equally beneficial to the people. I shall be glad to furnish further particulars regarding the traffic that is likely to be attracted to the station, but I do not think it is necessary for me to go into these details now and take up your Excellency's time. If the Government is pleased to accede to my motion I have no doubt the Hon. the Government Agent of the Central Province will be able to bear out the statement I have made and to submit to Government the exact state of things. Although I do not think that the question, "will it pay?" should be the only matter considered. I believe that upon inquiry it will be found that the station will pay. I therefore trust, sir, that you will find it expedient to order an inquiry in terms of my motion.

The Hon. Dr. P. D. ANTHONISZ:—I have great pleasure in seconding this motion. It has

often appeared to me that if a station or a siding existed between Kandy and Peradeniya it would induce better houses to be built on the road side; and as the land along the road is well drained the ground would be desirable lots for houses. Besides that it will enable those who live on the roadside to visit Kandy and Peradeniya more frequently. Although the inhabitants at Kandy are able to visit Peradeniya by train, those between the two stations are deprived of this advantage. The working classes would be benefited having a station between Kandy and Peradeniya.

H. E. the LIEUT-GOVERNOR said:—Notwithstanding the mover and seconder supporting stations at two different places, I presume that the resolution is properly put. Government can have no possible objection to an enquiry being held into the matter if there is any expectation that it will be followed up by any result. Four years ago—in 1890 - the question of placing a station at the spot indicated, between Peradeniya and Gampola, was very fully considered. But the first difficulty is that we cannot have too many stations at short distances. As I stated just now the distance between Peradeniya and Gampola is under 8 miles, and until the passenger traffic is very much more, so that we can have slow as well as quick trains and are not obliged as at present to have only one class of trains we can never get over the railway line except at a crawling pace, if we are to have a station at every three or four miles. The point at which the hon. member proposes to place a station is only about three or four miles from Gampola and that stretch from Peradeniya to Nawalapitiya is the only one upcountry along which a train can go at any speed apparently. That is the difficulty we have felt, sir. When the hon. member who represents the Burgher community rose, I thought he was going to speak on behalf of his special constituency in the Southern Province in which we have in the same view been obliged to refuse many applications for stations at short distances. Naturally every man wants to have a station at his own door, but it is perfectly inpracticable to have a station at every three miles or so, and would reduce the railway to something like a tramway. In selecting stations we have been obliged to observe the principle which I have endeavoured to lay down here of having certain distances between stations. When the line to Bandarawella is opened, which we expect to be next month, the Railway officials will find it a difficult enough task, with the present number of stations to get their first train into the terminus at Bandarawela in anything like reasonable time. As an evidence of the desire of the Government to meet the wishes of the residents it was proposed at one time that the train should be stopped at the spot indicated by the Kandyan member, in order to meet the convenience of passengers, but the General Manager of the Railway objected to this course on account of the danger that would attend the adoption of it. I hope, sir, I have said sufficient to show that the difficulty which the Government feel in the way of placing a station there, is reasonable.

H. E. the GOVERNOR asked if the Kandyan member wished a division to be taken on his motion.

The Hon. T B. PANABOKKE said he would not press his motion.

ALLEGED EVICTED SETTLERS.

The Hon. A. De A. SENEVIRATNE asked—Whether the Government is aware that certain persons who had possessed for a long period Crown lands situated under the Maha Rambaikulam tank in Vavuniya, and who had cultivated and improved the same, have been turned out of their holdings by order of the Government Agent; that applications for certificates of [illegible] claim were made in respect of such lands, and survey fees for 32 acres of land deposited in the Kachcheri;—and if so, what was the reason for refusing the applications and ejecting the applicants; and moved for papers. He said:—Sir, about June last I received a letter from Trincomalee in which five persons stated that they had presented a petition to Your Exellency complaining that on the order of the Government Agent of the Northern Province and without any cause known to them, they had been turned out of certain lands under the Maha Rambaikulam tank in the Vanuniya district, and that people from the North had been put in possession of these lands which they (the petitioners) had improved. On enquiry I found that a petition had reached Your Excellency's hands and that steps had been taken to make enquiry into the matter, and I felt certain, that as the petition had been referred to the Government Agent of the Northern Province he would make personal enquiries, because I was fully aware that he did not simply trust to the reports of headmen but went about the country making investigations personally as to the wants of people It seemed, therefore, that the petition was being attended to and I took no further steps. Recently, however, I saw a leading article in the "Examiner" referring to this same matter and complaining that the men had been hardly dealt with. I have, therefore, thought it necessary publicly to ask this question in order that publicly an explanation may be given. The complaint seems to be that during the time of Mr. Dyke certain people of Anuradhapura had been induced to emigrate to Vavuniya; that these people had sold their lands and removed themselves and their families, repaired the bund and occupied certain lands; that they were in possession of some 32 acres or so and that at the request of the Government Agent they paid survey fees; that although these fees were paid into the Kachcheri some influence was brought to bear by the Ratemahatmaya of the place and they were turned out; and that these lands were given, as I said, to certain people from the North. I therefore ask the question which stands in my name, and I may also call the attention of the Council to the fact that by an Ordinance of 1840 people who squat upon Crown lands and improve them, are entitled to receive certificates from the Crown on payment of half improved valueof the lands. These people, however, go further and say that they have possessed for more than 30 years. There must be some explanation, and I feel surthat a satisfactory explanation will be given. It is not for my own satisfaction, sir, that I ask the question, but in order that an answer may be given to the complaint publicly.

The Hon P. COOMARA SWAMY:—I second the motion, sir.

H.E. the LIEUT.-GOVERNOR:—Sir, in the statement which the hon. member has made in putting his question and motion I hardly recognize the case with which I thought it was identified when he gave notice. If he refers to a small body of 5 or 6 petitioners, of whom a man named Kadarathi is one that is the same case.

The Hon. A DE A. SENEVIRATNE:—Yes.

H. E. the LIEUT.-GOVERNOR;—Well, I must say, sir, that the circumstances are very much exaggerated. It is true they petitioned the Government, and

their petition received attention in October last. They petitioned again in June when the matter was considered, and again at the end of last month. A great deal of attention has been paid to the subject. The Assistant Government Agent enquired fully into the matter. The Government himself paid a visit to the spot and saw the parties and endeavoured to come to some satisfactory arrangement with them. He proposed an arrangement which he himself characterised as extremely liberal. The hon. member has referred to the time of Mr. Dyke. It is true that these parties rented the land but only one since 1881 and others from dates subsequent to that, It is probable that they may have done something to improve the land but the work on the tank was very imperfect; and notwithstanding that they had permission to occupy only 15 acres they have after a custom which is not unknown here taken possession of some 40 acres of the very finest land in the neighbourhood to which they have no right whatever, having rented only 15 acres. The Government Agent, however, was quite prepared to confirm them in the possession of the 15 acres some of which had been rented since 1881. It is in respect of that limited amount that the survey fees have been paid, and if they have paid in respect of 32 acres any excess will be returned to them when they come to settle. Having been merely tenants or renters they were not in possession and they have not even been ejected from possession of the land—certainly not the land which they hold as renters. I believe, sir, that the people who had been there for sometime have some objection to people of another race being there—to the introduction of some Tamils. I take it sir, from the name of one of them that he himself is a Tamil and why he should have this objection I cannot say, I shall be very pleased to give the hon. member all the papers that have been received on the subject, and I am perfectly persuaded that he will agree in the opinion of Government that full justice, if not liberality, has been shown to these people.

HIS EXCELLENCY asked whether the hon. member wished to press his motion.

The Hon. A. DE A. SENEVIRATNE replied in the negative. He had merely put it in the form of a motion in order to get a full and public explanation, but he did not want a division

THE TEA CESS.

H. E. LIEUT.-GOVERNOR moved the first reading of "An Ordinance to provide for the continuance of the export duty on tea levied under Ordinance No. 15 of 1892." He said;—As pointed out in the preamble the object of this bill is to devote the proceeds collected under it to increasing the consumption of Ceylon tea in foreign lands. The subject has been very much discussed publicly and otherwise and I do not know that I can add anything to its understanding. With regard to the third section which provides for the application of the proceeds it may perhaps be said, and with some reason, that this is a voluntary, self-imposed tax on the part of the planting community to whom might very well be left the spending of the proceeds, but, sir, the Government thought that inasmuch as they lend for the collection of this tax, though it is a voluntary one, the machinery of Government the Council and the community would expect that the Government would retain some slight control over the character of its application. I do not wish it to be thought that we are in any way suspicious of the planting or mercantile sections of the community, but I think that as a matter of business it would be expected of Government to retain some control. They are actuated by a friendly spirit towards these sections of the community and wish to take away any handle on the part of critics of the policy of this measure. I may state too, sir, that the Government is not particularly wedded to the way in which the provision for exercising that control is expressed, and it is quite open to adopt any amendment which attains the same object. I may say that soon after the draft was in print it was wished that the phrase "from time to time" should be inserted so as to show that any scheme is not fixed and final and irrevocable for all time. I move that the bill be read a first time.

The Hon. the ACTING ATTORNEY-GENERAL;—I have much pleasure in seconding.

The bill was then read a first time.

The Hon. the LIEUT.-GOVERNOR said that with regard to the second reading he would like to suit the convenience of hon. members.

The Hon. W. W. MITCHELL:—I would suggest, sir, that the second reading be taken on Wednesday, 29th inst., if that would be convenient for Your Excellency and the members of Council.

H. E. the GOVERNOR indicated that it would.

H. E. the LIEUT.-GOVERNOR then gave notice that on Wednesday 29th inst., he would move the second reading of the bill which had already been published more than a fortnight.

THE PROPOSED PROROGATION OF COUNCIL.

H. E. the LIEUT.-GOVERNOR having now finished the order of the day and before moving the adjournment till Wednesday, 29th inst. I am authorised to state that it is then the intention of H. E. the Governor on that date to prorogue the Council. It is thus necessary that the bill which we have read a first time today be then passed through its remaining stages if hon. members are disposed to support that course.

THE ADJOURNMENT.

H. E. the LIEUT. GOVERNOR.—I now move that Council do adjourn till Wednesday, the 29th inst., at 3 p.m.

The Council adjourned accordingly.

WEDNESDAY, AUGUST 29th, 1894.

Present:—His Excellency Sir A. E. Havelock, K.C.M.G., Governor, presiding. Sir E. N. Walker, Lieut.-Governor. H. E. Major-General Olive Jus ice, Officer Commanding the Forces; the Hons. P. Ramanathan, Acting Attorney-General J. A. Swetthenham, Auditor-General; F. R. Saunders Treasurer; E. Elliott, Acting Government Agent, Western Province; Allanson Bailey, Acting Government Agent, Central Province; R. Reid Principal Collector of Customs; Dr. W. R. Kynsey, P.C.M.O.; Dr. P. D. Anthonisz, Burgher Representative; W. W. Mitchell, Mercantile Representative; and A. de A. Seneviratne, Low-country Sinhalese Representative; Sir J. J. Grinlinton, General European Representative; the Hons. T. B. Panabokke, Kandyan Representative; M. C. Abdul Rahiman, Muhammadan Representative; P. Coomara Swamy, Tamil Representative; Giles F. Walker, Planting Representative.

PAPERS.

H. E. the LIEUT.-GOVERNOR laid the following papers on the table:—Administration Reports, 1893. Part I., Revenue—Municipalities. Part II., Scientific—Meteorology. Part IV., Miscellaneous—Medical. Reports of Central and Provincial Irrigation Boards.

THE DREDGER TRITON" AND HER LEGITIMATE WORK.

The Hon. W. W. MITCHELL asked—If it is the case that the dredger "Triton" was moored close to the shore off Kochchikade for more than a week previous to the 3rd of July, although quite unable to work on account of the sea running into the harbour and if she was then applied to a purpose for which she was never intended, to the neglect of her legitimate work, in increasing the depth of the anchoring space now available for vessels.

H. E. the LIEUT.-GOVERNOR said:—Yes, sir. One of the dredgers was moored for 54 working days in March and April off Kochchikade. It was placed there in pursuance of an undertaking on which the Government entered with a view to affording facilities for the introduction of petroleum oil in bulk and allowing the tank steamers to come nearer the shore. She was successfully worked and removed about 30,000 cubic yards of dredging. On the 5th May, however, on account of the setting-in of the monsoon, the dredger was removed from that station. I may say, sir, that neither the Government nor anyone of whom it took counsel, foresaw that there would be any difficulty or risk in working the dredger at this point. On the 26th or 27th June the Master Attendant and Harbour Engineer personally practically tested whether the vessel could be again worked safely there; they found too much motion in the sea and the vessel was at once removed and has since been engaged in her normal work. With regard to the latter part of the question I may state that all the dredger has up to the present done in removing 30,000 cubic yards of dredgings is a part of the originally contemplated area of dredging. If the dredger should return to work, the contemplated area of dredging will soonbe passed out of, and it will then begin work which certainly might not otherwise have been dredged. The Government considered that the desire to encourage this new trade of importing petroleum in bulk justified the diversion of the dredger from the stricter and narrower purposes for which she was certainly originally intended.

THE TEA CESS.

H. E. the LIEUT.-GOVERNOR then moved the second reading of "An Ordinance to provide for the continuance of the export duty on Tea levied under Ordinance No. 15 of 1892."

THE PLANTING MEMBER.

The Hon. GILES F. WALKER.—Sir, I should like while the second reading is before Council, to say a few words with reference to this Ordinance. The Ordinance is brought forward to levy an export duty upon one section of the community—the planting community. The principle of it I may say has met with almost universal acceptance, and the levy is urgently asked for because at the present time, and for sometime past, it has been felt that the yield of tea in the island has been exceeding the demand for it, and that it is very necessary to find new markets for the produce of the tea planting industry. The fact that this tax is to be levied entirely upon one industry and to affect no other industry in the island, and also the fact that the feeling in favour of it may be said to be practically unanimous will, I hope, commend the Ordinance to hon. members, I think I may say without fear of contradiction that what is good for so important an industry as the tea planting industry of Ceylon in promoting its prosperity and welfare is to a certain extent equally good for the prosperity and welfare of the island generally; and in asking hon. members to support this Ordinance I feel, sir, that I am asking them not merely to support the industry which I have the honour to represent but also the general welfare of the island. Considering, sir, that this tax is to be levied entirely upon the one community who ask for it, and that no other industry will be adversely or in any other way affected, I think the Ordinance ought to commend itself to hon. members. I can understand, sir, that certain possible technical objections may be raised against it; indeed I believe they have been raised elsewhere in discussion. It may be said that it is beyond the province of Government to legislate for a particular section of the community and to collect a tax which perhaps that community ought, strictly speaking or in theory at any rate, to collect for itself; but, sir, when I point out how difficult, how impossible, it is for a community to collect such a tax as this, and how much more easily it can be collected through the instrumentality of Government without any derangement of and at but slight cost to the machinery of Government, I think that objection is answered; and that Government in a case like this, so far from travelling beyond its province in supporting a leading industry, is supporting the interests of the general community. It may be urged that there is no precedent for this. Well, if precedents, like the proverbial poet, are born and not made, I can understand the objection, but if precedents are created and if there is no precedent for such legislation, then I say it is the part of a wise and good Government in a case like this to create the precedent that is required. The difficulty of exercising control over the administration of such a fund as this may be brought forward as an objection, but in this Ordinance I submit that the Government has taken sufficient power to exercise the control that is required. Your Excellency in Executive Council has power to stop the collection of this tax at any time, and those who administer this fund will, I am convinced, see that it is to their interest, as well as their duty, to administer the fund in such a way as to meet with the approval of Government, knowing full well that if they do not do so, they are making their position a very precarious one. I think, sir, I am right in assuming that the control which will be exercised by Government over the administration of this fund is not so much an enquiry into details as to see that the fund is not mal-administered in any way that the principles which guide the Committee who have the administration of the fund do not clash with the general principles which regulate the trade or commerce of this or any other colony or the empire in general. Seeing the great necessity that exists—as I believe is universally admitted—for some such taxation as this at the present time and that the community who will have to pay that tax are strongly in favour of it, I venture to think, sir, that hon. members will be justified in voting—indeed I am confident they will vote—in favour of this Ordinance today. (Applause in which His Excellency joined.)

THE MERCANTILE MEMBER.

The Hon. W. W. MITCHELL.—It is unnecessary, sir, I think to enter at any great length into a discussion of the merits or principles of this Bill before us. Ordinance 15 of 1892 which was enacted to levy a cess at the Customs house on tea exported was, as every one

knows, for the purpose of enabling us to pay the expenditure in connection with the Exposition at Chicago. The amount required for that purpose will, it is reckoned, be raised by about the middle of October. As is very well known the work at Chicago was admirably and successfully completed by our Commissioner who went there. By means of the Exposition and the methods adopted there millions of people in America got to know about Ceylon tea and I may say that a thirst for it was by that means created. It is necessary to keep up the interest that was at that time created and to perpetuate what was begun at Chicago, and not only to increase the consumption of tea in America itself, but in other parts of the world as well. In order that funds may be provided for this purpose the producers of tea now come asking that they may be taxed. The mode of collecting this tax is unquestionably the simplest and undoubtedly the most equitable. The Tea Fund which was a voluntary fund—one to which voluntary subscriptions were solicited—was maintained for a length of time, but many, very many, evaded payment of a contribution towards that fund, and unquestionably it is much fairer to all concerned that a cess should be collected at the Customs and each one pay his proper *quota*. The Planting Member will, I believe, when we come to the discussion of the various clauses, deal with the clause which relates to the amount of the cess, he having given notice of a motion in connection with that, and when clause 3 is reached I shall move an amendment. As it stands at present that clause seems to recognise only one complete scheme, one for America outside of which it might possibly be contended that we had no right to do anything. Such a scheme cannot very well be formulated completely at present and it may be necessary to add to it from time to time and possibly to provide schemes for the pushing of our tea in other countries than America. Power is reserved to the Governor to approve of the scheme or otherwise. Undoubtedly it is quite right that there should be this retention of such power as it is just within the range of possibility that the Secretary of State might decline otherwise to assent to the passing of such an Ordinance as this; but at the sometime I feel perfectly sure that the Governor will exercise such power with discretion and not with any desire to interfere unduly with any reasonable decisions that the Planters' Association or the Chamber of Commerce may arrive at for the carrying out of what they have in view.

THE MUHAMMADAN MEMBER.

The Hon. ABDUL RAHIMAN :—Sir, while I support this Bill I should like to say that I consider this as an excise duty which is to be enforced upon a single product of the country whilst the other products are exempted. As a matter of policy there should be no distinction and the Government is bound to regulate matters of this kind equally; but in this case the planting community have voluntarily come forward and expressed their willingness to bear the burden for a special purpose.

H. E. the GOVERNOR then put the question and the bill was unanimously read a second time.

On the motion of H. E. the LIEUT.-GOVERNOR Council afterwards resolved itself into a Committee of the whole house to consider the bill.

THE DUTY NOT TO EXCEED 20 CENTS PER 100 LB : THE PLANTING MEMBER'S AMENDMENT.

The Hon. GILES F. WALKER then moved his amendment on clause 1, providing for a Duty not exceeding 20 cents, per 100 lb. He said—I move this amendment, sir, in accordance with a resolution passed at a meeting of the Joint Committee appointed to administer this fund, in which it is considered desirable that the limit of the levy should be larger than that originally fixed. The feeling, sir, amongst the planting community, and I believe I may say amongst all others who have studied the question is, that in order successfully to open new markets in the United States of America and elsewhere it may probably be necessary that we should spend a somewhat considerable amount in a short time rather than a small amount spread over a long period—that the initial expenditure may be somewhat considerable and that after a certain period which of course I cannot foreshadow now—it may be six, twelve, or eighteen months—our efforts may perhaps then be allowed to drop and the market being opened the trade be allowed to be carried on through the ordinary channels of commerce. I have no specific resolution at present on this particular question, passed by the Planters' Association as representing the producers of the country, but I know, sir that I am right in saying that the general feeling is so strongly in favour of this proposal as to be practically an unanimous expression of approval, and the Committee appointed have expressed their opinion in favour of a maximum Duty of 20 cents. I therefore beg to move my amendment in the hope that it will meet with the approval of hon. members. It is not proposed at the present stage to fix that limit at all. Under the amendment which I propose it is to be levied by your Excellency in Executive Council from time to time as may be recommended by the Joint Committee; and in view of the fact that it is necessary, if not actually to expend the whole amount that may be raised by the cess, to have that money at our disposal in case it should be necessary to use it. I hope my proposal will meet with the approval of hon. members.

THE AMENDMENT SECONDED.

The Hon. W. W. MITCHELL :—I beg, sir, to second the amendment which I think is a very desirable one. It does not necessarily commit anyone to the extreme limit of 20 cents but only as much as may be required from time to time. I have therefore much pleasure in supporting the amendment.

AN OBJECTION.

The Hon. the TREASURER :—The objection, sir, that I see to the amendment is that it rather introduces a new feature in legislation in that it makes the Governor in Executive Council accept positively any recommendation made by the Joint-Committee. I think it is always understood that where power is given to the Governor in Executive Council to determine rates especially in a case of this kind, the Governor would as a matter of course adopt the recommendations of the persons concerned if it appeared to him that the recommendations were reasonable and just, and I think that these words might very well be omitted from the amendment. The original clause gave the Governor power to levy a fixed rate of 10 cents, but now it is proposed to give the Governor the power to increase the Duty from 10 cents to any sum not exceeding 20 cents. That is a definite power and the Governor will fix the rate between 10 and 20 cents after giving due consideration to the recommendation of the Joint-Committee, but he should not be bound by Ordinance to adopt the recommendation of the Committee. It should be a matter for the discretion of the Governor in Executive Council,

THE OBJECTION SUPPORTED.

The Hon. P. COOMARA SWAMY :—I concur, sir, in the views expressed by the hon. the Treasurer. I think the amendment is a good one, but the Governor's hands should not be tied as proposed, because we all know that the Governor is free to consult the proper authorities before fixing the rate. I thoroughly agree with the amendment as far as the clause making the Duty one not exceeding 20 cents goes, but beyond that I am against it.

THE LIEUT.-GOVERNOR DOESN'T SEE THE OBJECTION.

H.E. THE LIEUT.-GOVERNOR :—It may be, sir, from the disadvantage of not being a lawyer, but I do not see the objection to this at all. The clause as it seems to me leaves it to the Governor to accept or refuse the recommendation as he thinks best. It is not meant that the Governor should simply be a registering authority of the resolution of the Joint-Committee. I am sure that the hon. member who proposed the amendment did not contemplate that, but that there should be left to the Governor in Executive Council, the option or discretion of either accepting or rejecting that recommendation—certainly the Government could not alter it

THE PLANTING MEMBER EXPLAINS.

The Hon. GILES F. WALKER :—I may say, sir, that in drafting this amendment to clause 1, I had no idea that the words would be taken in the sense in which they have been taken by the hon. the Treasurer just now. I understood and I still understand that recommendation of the Joint Committee to be merely a recommendation to the Governor in Executive Council, and that your Excellency in Executive Council will act or not act upon the recommendation as your Excellency may think fit. Of course I may be wrong from a legal point of view, as the Lieut-Governor said just now he might be, but of that I am not aware, and I repeat that I understand the suggestion of the Joint-Committee to be merely a recommendation. In drafting the amendment I followed as I thought clause 3 of the Ordinance which leaves the scheme to be prepared by this Committee. It is assumed, I believe, in the Ordinance that your Excellency in Executive Council has the power to determine whether any scheme that may be proposed by the Committee is one that ought to be sanctioned, but at the same time the words are that the proceeds of the levy shall be applied in such manner as may be defined in the scheme, and I think, sir, that the control which your Excellency in Executive Council will have over the scheme will under the amendment I have brought forward, be vested in your Excellency in Executive Council in the same way. I am perfectly prepared to substitute other words so long as the tenour of the amendment is not altered, but I must submit to the consideration of hon. members —and I am glad to find that I am supported in this view by H. E. the Lieut.-Governor—that this is merely a recommendation from the Joint-Committee and in no sense binds your Excellency in Executive Council.

The Hon. A. DE A. SENEVIRATNE :—If the Governor in Executive Council is to act in accordance with the recommendation of the Joint Committee I do not see what option is left to the Governor.

AMENDMENTS OF THE AMENDMENT.

H.E. the LIEUT.-GOVERNOR :—It was not intended merely make the Governor a registering authority. I would suggest to the hon. member who has proposed the amendment to substitute for the word "determine," "allow or disallow," "approve or disapprove." I am sure that is what is intended and I think it will meet the objection of the Treasurer.

The Hon. GILES F. WALKER :—I beg leave, sir, to amend my amendment by substituting for "as may be recommended" the words "upon representation to be made."

The Hon. the ATTORNEY-GENERAL :—If I may be allowed, sir, to suggest an amendment I would propose :—" A Duty not exceeding 20 cents per 100 pounds, the rate leviable to be determined by the Governor in Executive Council, upon consideration of such recommendations as may be made by the Joint Committee," &c.

The Hon. GILES F. WALKER :—I am perfectly willing, sir, to accept that.

The Hon. the ATTORNEY-GENERAL :—At the same time I must point out that the wording of the amendment in regard to " the Joint Committee appointed by the Planters' Association on the 15th June 1894, and the Chamber of Commerce on the 18th June 1894, to administer the funds raised under this Ordinance," would mean that if by any chance these special Committees expire there would be no machinery for enabling the Governor to consider any recommendation from anybody, so that the object of the Planters' Association and the Chamber of Commerce would be frustrated at once. I would, therefore, suggest that that part of the amendment which refers to the dates upon which these Committees were appointed should be re-considered.

The Hon. P. COOMARA SWAMY :—The object of this Ordinance is to vary the rate from time to time, so that I do not see the use of retaining these words at all. Why should not the amendment simply be " a duty not exceeding 20 cents." Of course the Governor in varying the rate from time to time will not fail to consult—in fact will not even consider the subject of varying the Duty unless he is approached by—some responsible authority such as the Planters' Association or Chamber of Commerce. Therefore the amendment should simply be as I have stated, and whenever the Planters' Association and Chamber of Commerce approach the Governor, then His Excellency will consider their suggestion and may increase the rate from 10 to 20 cents or less as he pleases. I would propose that the amendment simply be " a duty not exceeding 20 cents per 100 lb."

The Hon. the TREASURER :—By the 4th clause the Governor has absolute power to cause the Ordinance to cease to be in force altogether without any consultation with the Committee. Surely then he may be trusted to alter the rates when it is necessary. The Hon. the Attorney-General pointed out just now what inconvenience might occur by mentioning the Committees that were appointed on certain fixed dates as bodies to be referred to. It has always been usual where there has been any particular desire expressed by any public body that it should be considered, when the Governor, is exercising any powers vested in him under any Ordinance, that the Governor should state during the passing of the Ordinance that it is his intention to consult that particular body, and that pledge given at this Council table is regarded as quite sufficient to guard the liberties of anybody that wishes to be represented in the matter.

H.E. the LIEUT.-GOVERNOR :—The Government can have no possible objection to any such amendment. The Government have been actuated all through with the desire to do what the section of the community by whom this act has been asked desires should be done.

The Hon. GILES F. WALKER :—I do not know, sir, whether I am in order, but I would read my

amendment as altered after consultation with the Hon. the Attorney-General, as follows:—

"A Duty not exceeding 20 cents per 100 lb., the rate leviable to be determined by the Governor in Executive Council from time to time, upon consideration of such recommendations as may be made by the Joint Committee appointed by the Planters' Association on 15th June 1894, and by the Chamber of Commerce on the 18th June 1894 or the successors in office of such Committee, to administer the funds raised under this Ordinance."

The Hon. P. COOMARA SWAMY :—I am sorry, sir, that I cannot agree to the amendment proposed even though it has been drafted after consultation with the Attorney-General. It does not add to the dignity of the proceedings to say that the Governor should be bound to consult anybody at all in the matter. We expect the Governor to consult everybody interested in a matter of this kind and we have perfect faith that he has done so and will do so. I therefore submit that it does not add to the dignity of the proceedings or of this Council that such words as restrict the power of the Governor should be put into the amendment, and I move that the amendment be simply "a Duty not exceeding 20 cents per 100 lb."

H.E. the LIEUT.-GOVERNOR:—I would like to say again, sir, before finally accepting the amendment on the part of the Government that the Government distinctly understands that the hon. member who has proposed the amendment has given a guarantee that this increase is acceptable to the large majority if not the entire body of the planting community. I understood the hon. member to say so, and I merely repeat that it is on that understanding that the Government accepts the amendment.

EXPEDITION AND CONVENIENCE.

The Hon. GILES F. WALKER :—I feel perfectly justified, sir, in saying on behalf of the planting community that a majority so large that the opinion may be said to be practically unanimous is in favour of the limit of 20 cents being fixed. If I am in order I should like to say that my object in making any reference to the Joint-Committee was that H. E. the Governor in taking counsel and in deciding as to what the rate of the cess should be from time to time, should have only to deal with the Joint-Committee because otherwise His Excellency would have to consult with both the Planters' Association and the Chamber of Commerce and I cannot but think that in any such case as that, very considerable delays might occur. It is very much easier to take into consideration the views of a small body such as a Committee that has been appointed for a special purpose than the views of two large bodies who meet at different places, whom it is difficult to call together at any time in a hurry, and whose views on some minor points might possibly conflict. Considering that this Committee has been appointed by these two bodies to administer the fund I think that hon. members will see that it is better that such views as may be given to the Governor in Executive Council should come from the Committee of the two different bodies.

The Hon. A. DE A. SENEVIRATNE :—I gather, sir, that there is more than one Committee.

The Hon. GILES F. WALKER:—I think that is a small amendment I may have to move when we come to the second clause. It is a Joint-Committee.

H.E. the LIEUT.-GOVERNOR:—It would be better to use the singular.

The Hon. A. DE A. SENEVIRATNE :—I understand that they were appointed on two different occasions.

The Hon. GILES F. WALKER :—They were appointed on two different dates. The members of the Planters' Association were appointed at a meeting of that Association on the 15th June and the members of the Chamber of Commerce at a meeting of that body held on the 18th June.

NATIVE TEA PLANTERS.

The Hon. T. B. PANABOKKE :—I wish to add a few words with regard to the amendment. I do not myself wish that the Governor in Executive Council should be bound down to any recommendations made by the joint-Committee for this reason. The producers of tea are, of course, mostly Europeans represented by my hon. friend on my left, but I think we have got a large number of natives who are also producers of tea, so that if anything is done adverse to them they would have no voice in the matter. I think it would be far better that His Excellency in Executive Council should have all power certainly to grant redress to any section of the community who may be producers of tea. I have therefore much pleasure in supporting the hon. the Tamil member's amendment.

H.E. the LIEUT.-GOVERNOR :—I wish to say again that under the clause as amended the Governor in Executive Council will have full power to accept or reject, approve or disapprove the recommendations that may be made by this Committee, and I know that to be the intention of the hon. member who proposed the clause.

H.E. the GOVERNOR then put the question and Mr. H. White, the Clerk of the Council, proceeded to record the votes on the hon. the Tamil member's amendment as follows:—

Ayes (2.)	*Noes* (3).
The Hon. T. B. Panabokke	The Hon. Giles F. Walker
	" Abdul Rahiman
	" Sir John J. Grinlinton

Before recording the other votes, the Hon. the TREASURER rose and said:—Before going further with the vote if this amendment is negatived it strikes me that it will be impossible hereafter to insert the words not exceeding 20 cents," for if it is negatived the words ten cents will stand as part of the bill.

H.E. the LIEUT.-GOVERNOR:—I should like the point settled before we go further. I do not agree with the hon. the Treasurer at all, and I should like to state, sir, that in giving my "no" against the present amendment I intend to vote for the amendment proposed by the hon. the Planting member, and I shall be very much disappointed if I am told when I come to give my vote that I am out of court and cannot vote. I think that ought to be settled before we proceed further.

After a pause,

H. E. THE LIEUT.-GOVERNOR said:—My hon. friend, the Attorney-General, has helped me out of my difficulty by calling my attention to the fact that we have not taken perhaps the proper procedure. I think I rather suggested that the later amendment—the amendment of the hon. the Tamil member—should be put first, and I certainly thought, sir, that that was the practice in the House of Commons and in Committees generally, but I find, sir, that, the 58th rule of the Council says that "each amendment shall be taken in the order in which it is proposed by the mover." In that case the amendment to be first put is that of the hon. member who represents the planting community.

The Hon. P. COOMARA SWAMY :—I should like to know from the Lieut.-Governor whether there is any rule now to alter this case. My amendment has been put.

H. E. the LIEUT.-GOVERNOR :—I presume I can move that any member be called to order if he is out of order.

The Hon. the TREASURER :—I would suggest to the hon. member, who represents the planting community that his amendment practically includes the amendment of the hon. the Tamil member as well as something else. I think we are all agreed so far as making the Duty a sum not exceedingly 20 cents which is all I understand that the hon. the Tamil member has proposed. After that has been carried it is quite open to the hon. member who represents the planting community to move the insertion of certain words by which the discretion of the Governor in Executive Council shall be guided, or controlled and for the Council to vote on that point. The difficulty has been created by mixing up in one amendment a question on which we are all agreed, and a question on which we are not agreed. These should be separated and put separately.

H.E. the GOVERNOR :—I think the Treasurer has correctly interpreted the procedure and consequence of the amendments which are now before the Committee. The amendment proposed by the hon. member who represents the Tamil community will be taken first and decided on its own merits, and the amendment proposed by the hon. the planting member beginning with the words "*the rate leviable*," *&c.*, will then be taken up and decided on its own merits.

The recording of the votes was then about to be continued when,

The Hon. SIR JOHN J. GRINLINTON said :—I think, sir, we ought to re-vote because some members voted under a misapprehension.

The division was then taken when the Hon. Messrs. Walker, Coomara Swamy, Abdul Rahiman, Panabokke, Grinlinton, Seneviratne, Mitchell, Anthonisz, Kynsey, Reid, Bayley and Elliott voted in favour of the hon. the Tamil member's amendment. The voting was not completed, it being intimated that the "ayes" had it.

His Excellency the GOVERNOR then read the amendment of the Hon. Giles F. Walker beginning with the words, 'the rate leviable" and put it to the Council with the following result :—

Ayes (11).	*Noes* (6).
The Hon Giles F. Walker	The Hon. P. Coomara Swamy
Do Abdul Rahiman	Do A. de A. Seneviratne
Do T. B. Panabokke	Do Dr. Anthonisz
Do Sir John Grinlinton	Do the Principal Collector of Cust.
Do W. W. Mitchell	Do the Treasurer
Do Dr. Kynsey, P.C.M. O.	Do the Auditor-General
Do the Govt. Agent, C. P.	
Do the Govt. Agent, W. P.	
Do the Attorney-General	
H. E. the Major-General	
Do Lieut.-Governor	

The Hon. GILES F. WALKER's amendment was therefore carried by 11 to 6

Clause 1 of the Bill will therefore read.

COMMENCEMENT OF LEVY OF EXPORT DUTY, AND RATE OF DUTY.—So soon after the Ordinance No. 15 of 1892, intituled "An Ordinance to levy an Export Duty on Tea," shall have ceased to be in force, there shall be raised, levied, and paid upon all tea of the produce of this Island exported beyond seas a duty not exceeding 20 cts. per 100 lb. the rate leviable to be determined by the Governor in the Executive Council from time to time upon consideration of such recommendations as may be made by the Joint Committee appointed by the Planters' Association on June 15th, 1894, and by the Chamber of Commerce on June 18th, 1894, or the successors in office of such Committee to administer the funds raised under this Ordinance, and such duty shall be independent of, and in addition to, any duty which may be imposed under the provisions of "The Medical Wants Ordinance, 1880, Amendment Ordinance, 1882."

Clause 2 of the Ordinance provides for the Duty being collected by "proper" officers of the Customs department."

The Hon. P. COOMARA SWAMY when this clause was reached suggested that the word "proper" should be omitted as there were no "improper" officers of Customs.

H.E. the LIEUT.-GOVERNOR :—I do not know exactly what the meaning of it is, but it is a familiar phrase and it is in the old Ordinance.

The Hon. the ACTING-ATTORNEY-GENERAL :—It means the officers appointed to the particular places in which those duties will have to be performed. Proper means here appropriate.

H.E. the GOVERNOR :—There can be no harm in the insertion of the word "proper" as it appears to be customary in the Customs Department, (Smiles). Do you press your amendment ?

The Hon. P. COOMARA SWAMY:—No, sir.

Clause 2 was then passed.

On clause 3 being reached,

SCHEMES FOR FOREIGN COUNTRIES NOT MERELY AMERICA.

The Hon. W. W. MITCHELL said :—I think, sir, it is desirable to amend this clause. It appears to contemplate *one* scheme, presumably a scheme suitable for America. Now circumstances may arise which may necessitate adding to any scheme which may be formulated, especially after the representatives to be sent to America have paid their visit and pointed out what course we should adopt. Then again if any one scheme were adopted under this clause, as in the draft it might not be one suitable for pushing our tea in other countries like Russia—a scheme for America might not be suitable for Russia. I would therefore move that the following be substituted for clause 3 :—

"The proceeds of the levy hereby enacted shall be applied towards increasing the consumption of Ceylon tea in foreign lands in such manner as may from time to time be desired and determined by the Committee appointed for the purpose by the Planters' Association of Ceylon on 15th June 1894, and the Ceylon Chamber of Commerce on 18th June 1894, or the successors in office of such Committee provided that such manner of application of the proceeds of the said levy be subject to the approval of the Governor in Executive Council."

The Hon. GILES F. WALKER :—Sir, I beg to support the amendment which has been moved by the hon. member on my left. I think the reason he has given is a very good one. The clause as here drafted refers to a scheme, some definite scheme, and as my hon. friend pointed out the intention of this Ordinance is that the money collected should be administered not in one particular country such as the United States of America, but in foreign lands generally, and therefore it may be necessary to have one scheme for one country and another scheme for another country. Indeed it may be necessary at first to formulate no definite scheme but to feel our way tentatively

rather than to adopt a scheme which may have to be modified afterwards. I therefore think that the more elasticity there is in this clause the better it will be for the interests we seek to promote.

The Hon. A. DE A. SENEVIRATNE :—Is there any provision for appointing successors to this Committee and who is to appoint them?—the Committe itself or the Association they represent.

The Hon. GILES F. WALKER :—I may point out to the hon. member that when these Committees were appointed by the Chamber of Commerce and the Planters' Association respectively it was decided that they should be appointed for the current year, and that at the end of each year the two respective bodies should elect the successors of the present Committee.

The Hon. A. DE A. SENEVIRATNE indicated that he was satisfied.

The Hon. W. W. MITCHELL'S amendment was then unanimously adopted.

Clause 4 and the preamble of the Bill having been passed, Council resumed on the motion of H. E the Lieut.-Governor who reported the Bill as having passed the Committee.

H. E. the LIEUT.-GOVERNOR afterwards said:—With the view of carrying out the intention, in which I believe we are all agreed, of passing this Bill at this meeting, I move that the standing rules and orders be suspended.

This was unanimously agreed to.

The report of the Law Officers of the Crown was then brought up by H. E. the Lieut.-Governor and read by the Clerk, after which the bill was read a third time and passed on the motion of H. E. the Lieut.-Governor seconded by the Hon. the Acting Attorney-General, and H. E. the Governor declared his assent to it.

CLOSE OF THE SESSION,

His Excellency the GOVERNOR then said—Hon. Gentlemen of the Legislative Council, all the business before the Council having now been disposed of, I declare this session closed. The Legislative Council will assemble for its next session on Wednesday, the 17th of October. Until that date the Legislative Council stands prorogued.

Council rose at 4·30 p.m.