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VERNMENT OF TAMIL NADU

P W DEPARTMENT

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9.3/51

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

8th June 1881, No. 1,436 W.

Buildings and Roads.
Civil Works.

Read the following paper:—

No. 21. *Memorandum on the Columbo Harbour Works.*

With reference to G.O., No. 657 W., dated 11th March 1881, authorising our visiting the Columbo Harbour Works we desire to record very briefly the results of our inspection of the same on the 5th and 6th ultimo.

2. In the first place we would submit for perusal the documents noted in the margin and a map showing the present condition of the works and the various proposals for their completion which have been submitted for the decision of the Ceylon Government.

1. Proceedings of the Ceylon Legislative Council, Session 1880 (discussion on the Columbo Harbour question, pages 32 to 40).
2. Further correspondence relative to the Columbo Harbour Works with Report by Sir John Coode, dated 16th June 1880.
3. General plan of the Columbo Harbour showing the several schemes proposed.
4. Three cross sections of the work; also one of the Madras Breakwater.

3. An inspection of the map will show that in the scheme recommended by Sir John Coode the main breakwater would be carried from its root along the line of the Isaure rock for a distance of 4,200 feet, where would be placed the harbour mouth 600 feet wide in 40 feet of water facing the north-west. Beyond this would be the north arm 2,500 feet long having a general direction of south-west by west.

4. The Surveyor-General's (Colonel Fyer's, R.E.,) scheme follows the same line as regards the main breakwater, but which is made to curve round to the north-east and is carried out further than in Sir John Coode's scheme so as to dispense with the necessity for the so-called north arm.

5. The third scheme proposed as a *pis aller* need not be adverted to as having apparently been rejected by all authorities.

6. Somewhat more than half the main breakwater as proposed by Sir John Coode has already been completed and the whole will, it is supposed, be out of hand in about four years more.

7. Considering the high authorities ranged in both sides of the discussion and our own want of local knowledge, it would be out of place to express any opinion as to the merits of questions at issue. At the same time we feel no difficulty in saying that the work as hitherto carried out is most creditable both to the projector, Sir John Coode, and to the officer who has hitherto executed the work Mr. Kyle.

8. What chiefly struck us in reference to the work already carried out was, not only the massive section given to the breakwater which commences with more than double* the width of that at Madras, there being, first on the seaface two bonded concrete blocks side by side each 12 feet across, second an interval of the same width packed with rubble stone, and lastly on the harbour face a wall consisting of single concrete blocks of the same dimensions in all 50 feet in width, while as the Government are aware the Madras work has only a wall standing on the rubble base consisting of two concrete blocks and measuring in the aggregate 24 at top, 28 at bottom in thickness.

9. In addition we found that from the action of the sea during the south-west monsoon it is held to be necessary to further protect the seaface by tipping in masses of *pierre per due* the majority of the stone so used (very hard granite) being of large size, the intention being apparently to establish all along the face an outer rough-stone revetment which when settled down shall rise to about 12 feet below M.S.L.

* The root seawall from the Pattenbury bastion advances 685 feet and meets the junction line of the root and pier; from this seawards the 50 feet wall advances 1,327 feet, after which commences the 34 feet wall of three blocks with no intermediate span.

10. It is needless for us to say that the work thus carried out presents a very different section to the Madras work (see annexed sections comparing the two works).

11. Its massiveness is no doubt in great degree necessitated—first by the way in which the general line of the breakwater faces perpendicularly the direction of the seas during the south-west monsoon, to the full swing of which it is exposed; and second to the violent* manner in which the seas apparently break on the Isaure rock along the line of which the work is carried.

12. The two cases are not therefore altogether comparable and it would not by any means follow that the difference in section indicates any radical difference in power of resisting the forces to which the breakwaters are respectively exposed.

13. At the same time we think it would not be out of place now that the Madras work has been advanced so far towards completion (without, however, during its construction having had to sustain the shock of any very heavy gale or cyclone sea) to ask the projector Mr. Parkes to explain his own views as to the difference in section in the two works.

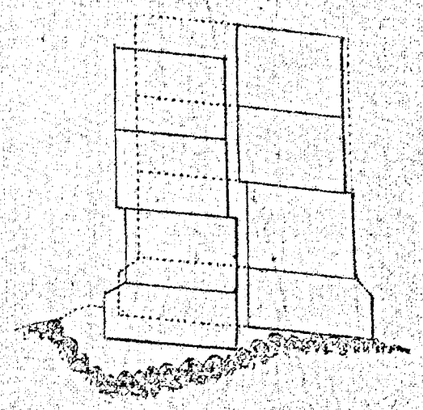
14. It would no doubt be satisfactory to Government and the public if he were distinctly to affirm his opinion that the different circumstances of the Madras work are such as to enable him to pronounce definitely his conviction as to its stability, not only in regard to the shocks to be sustained by the sea in a maximum cyclone, but also in case of a heavy ship being at such time driven against the breakwaters as now constructed.

15. Viewing the extra protection now being given as above noted to the Colombo work by means of rough stone on the seaface it would be desirable to know whether some similar operation might not be wanted particularly along the exposed portions, especially the northern arm of the Madras work.

16. It is perhaps as well that this point should receive Mr. Parkes' attention, as it will be seen by the observations† extract given for ready reference in the foot note, from his report of the 14th January 1881 printed with G.O., of 31st idem, No. 256 W.,

* Mr. Kyle mentioned the fact that, after the previous south-west monsoon, the outer portion of the breakwater 470 feet in length 34 feet broad was found to have been gradually pressed inwards by the action of the sea to the extent of 15 inches at the outer end—a remarkable testimony to the continuous force of the sea during four months monsoon weather.

† "This sea is also especially noteworthy because by it for the first time have some blocks fairly set at the proper depth and on a clean rubble foundation been disturbed, thus affording some direct evidence of the limits of stability of the work. At the north pier the rush of water round the end was so violent as to scoop out a hole in the rubble at the foot of the blocks into which the end blocks dropped down about 3 feet, being at the same time laterally displaced slightly as shown in sketch. The iron clamps by which they were attached to the third row behind them were not broken, and that row and the one intermediate between them were not disturbed.



"The most obvious effect of the sea on the completed portion of the north pier was to strip off the railway from the top, but this effect only extended for the length built since the last heavy sea in November 1879. In the older portions it was not disturbed. The cause of this difference was apparent on examination of the blocks themselves. They had evidently been subjected to a very severe shaking, for the surfaces were found to be abraded by rubbing against one another to such an extent as in some cases to form indentations 4 inches deep. To produce this result the whole structure must have been in a state of violent vibration, and this would break the connection between the tops of the individual blocks and the contiguous rigid railway laid upon them. When the block work has once been subjected to this vibrating action it becomes consolidated and rigid and the railways maintain their connection with it. The sea does not appear to have caused any general subsidence.

"Reverting to the subsidence of the end blocks, it may be well to point out how this bears on the sufficiency of the design for the permanent pier head. The weak points in the temporary termination are evidently the following:—

"1st.—Rubble stone at 22 feet below the surface is not proof against the scour of a wave rushing round the abrupt end of the pier.

"2nd.—The abruptness of the end increases the force of the scour.

"3rd.—The blocks have a hold of only 4 feet 6 inches, their own thickness in the solid work.

"Now, though the exact form of the whole of the permanent pier head is not yet determined, yet some features have long been settled on.

"1st.—The depth of foundation of the blocks on the rubble will be 28 feet instead of 22.

"2nd.—There will be no sharp corners to aggravate the scour, the corners being formed of blocks in the quadrant of a circle 12 feet radius.

"3rd.—All the blocks exposed to the end between these curved angle blocks will be set as 'headers' with their ends instead of their sides exposed so as to have a hold in the work of 12 feet instead of 4½ feet.

"With these additional elements of stability it is clear that the permanent pier head will be proof against a much heavier sea than the temporary one."

that during the rough weather of the 21st November the upper portion of the rubble base having as reported been scooped out by the sea-action at the end of the north pier, the two outermost concrete blocks which had shortly before been set "dropped down" about 3 feet, and would in all probability have fallen had it not been for special precautionary arrangements previously adopted by the Superintendent of the Works, thus showing that under certain conditions the sea-movement extends down to the rubble base and that too in weather which, although rough, cannot be said to compare with what may be looked for in a cyclone of great intensity.

17. The inquiry now raised appears to us to be the more important as Mr. Parkes in his concluding words as quoted does not expressly guarantee the work against the effects of an extreme cyclone, and further as Major-General Walker when Chief Engineer purposely inserted an extra item of two lakhs of rupees for the rubble base with the view of affording additional protection to the work.

18. In conclusion, there is one other point to which, as it has a very direct bearing on all the harbour schemes along our coasts, we desire to draw the attention of Government, and that is the depth of water which, with the present class of large vessels, it is considered essential to secure at the entrances of all such.

19. In Colonel Fyer's proposed scheme modifying Sir John Coode's the end of the breakwater is taken out to 35 feet depth of water; but, as will be observed, the latter, in the following extract from his report on the Columbo harbour, dated 16th June 1880, does not look upon this as sufficient, viz., "in a case like the present and more especially where there is such a small rise of tide, provision should certainly be made to admit of the safe entry and exit of the heaviest draughted ships *at low water*; thus the depth of forty feet provided for in design B may be regarded as the ruling working depth in the entrance. If it is desired that the new harbour should be adapted for the reception either for coaling or other purposes of the ships of Her Majesty's navy during the south-west monsoon, it will be necessary that a depth of not less than forty feet shall be available in the entrance. The draft of an ironclad may be put down at twenty-eight feet, and of the largest of the merchant steamers at twenty-three feet. Adding eight feet for "scend" or vertical rise and fall of a ship during the south-west monsoon and allowing four feet for clearance under the keel when at the lowest level, these figures give forty feet as the depth required in the entrance for the safe passage of the ironclad and thirty-five feet for the "merchant steamer."

20. It will be in the recollection of Government that during the discussion on the subject of the conditions which it was considered essential to secure in regard to the proposed harbour at Cochin, the Master Attendant gave it as his opinion that the breakwaters should at least be carried out into thirty feet water.

21. It is thus satisfactory to find that experts of the high standing of Sir John Coode exact even a greater depth, and as this matter has an immediate bearing on the question to be solved at Pámban, which forms the subject of our next report, we have thought it desirable to place his opinion prominently on record for the information of Government.

(Signed) J. H. TAYLOR, Captain, R.N.R.,
Master Attendant, Administrative Department.

2nd May 1881.

(Signed) R. H. SANKEY, Col., R.E.,
Chief Engineer, P.W.D.

No. 22. ORDER THEREON, 8th June 1881, No. 1,436 W.

FORWARDED to Mr. Parkes for such observations as he may desire to offer.

(True Extract.)

(Signed) R. H. SANKEY, Colonel, R.E.,
Secretary to Govt., P.W.D.

To the Engineer-in-Chief, Madras Harbour Works.
" Superintendent, Madras Harbour Works.
" Marine Department.
Exd. E. C. Shunker.
Spare Copies

BUILDINGS AND ROADS.
CIVIL WORKS.

Govt. of 1881: Madras.

PUBLIC WORKS.

To

The ENGINEER-IN-CHIEF,
MADRAS HARBOUR WORKS.

&c., &c., &c.

Dated June, 8th.

Issued

Read *Encl*

G. O., 8th June 1881, No. 1,436 W.

JUNE.
Nos. 21-22.

Colombo Harbour Works.—Memorandum by the Chief Engineer, Public Works Department, Madras, and the Master Attendant, Madras, on the — forwarded to Mr. Parkes for such observations as he may desire to offer.

Private copy Sent me by Col Fyers R.E.

O. M. Kenbey

1436/3

PROCEEDINGS OF THE

Ceylon Legislative Council,

SESSION 1880.

"CEYLON OBSERVER" OFFICE,

COLOMBO.

THE CEYLON "HANSARD."

THE DEBATES

OF THE

Ceylon Legislative Council,

FOR THE SESSION OF 1880.

WHICH BEGAN ON THE 15TH OF SEPTEMBER, AND CLOSED ON THE 15TH OF DECEMBER.

REVISED AND CORRECTED BY THE SPEAKERS.

[ELEVENTH YEAR OF PUBLICATION.]

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1880.

1456

Members of the Ceylon Legislative Council

DURING THE SESSION OF 1880.

PRESIDENT:

His Excellency SIR JAMES ROBERT LONGDEN, K.C.M.G., GOVERNOR OF CEYLON.

OFFICIAL MEMBERS:

The Hon. JOHN DOUGLAS, C.M.G., Lieut.-Governor and Colonial Secretary.
" " W. WILBY, C.B., Major-General Commanding the Forces.
" " B. L. BURNSIDE, Queen's Advocate.
" " W. H. RAVENSCROFT, Auditor General.
" " GEORGE VANE, C.M.G., Treasurer.
" " F. R. SAUNDERS, Government Agent of the Western Province.
" " F. B. TEMPLER, Government Agent of the Central Province.
" " Lieut.-Colonel A. B. FYERS, R.E., Surveyor-General.
" " W. D. WRIGHT, Principal Collector of Customs.

UNOFFICIAL MEMBERS:

The Hon. JAMES VAN LANGENBERG (Burgher Representative), Colombo.
" " J. P. OBEYESEKERA (Sinhalese Representative), Veyangoda.
" " P. RAMA NATHAN (Tamil Representative), Colombo.
" " R. BEAUCHAMP DOWNALL (Planting Representative), Kandy.
" " H. BOIS (Representative of Commercial Interests), Colombo.
" " F. M. MACKWOOD (Representative of General European Interests), Colombo.

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No. 1. An Ordinance to authorize the establishment of a special cemetery at Dematagoda for the burial of the dead of the Muhammadan community.

No. 2. An Ordinance to amend the Postal Ordinance, 1878. (Indemnity for loss of postal packet payable notwithstanding clause 85 of Ordinance No. 2 of 1878.)

No. 3. An Ordinance relating to shipwrecked colonial seamen in distress in the United Kingdom.

No. 4. An Ordinance to repeal the Ordinance No. 8 of 1869, intituled "An Ordinance to discourage the illicit sale of wine, arrack, rum, or spirits," and to make other provision in lieu thereof. (Penalty for breach of Ordinance No. 10 of 1844 under Sections 14, 26 and 29 shall be a sum of R50 and imprisonment for three months.)

No 5. An Ordinance for making provision for the contingent services for the year 1881. (Amount voted R8,936,319; unexpended balances of 1879 and 1880 brought forward for expenditure in 1881 amount to R86,020.)

No. 6. An Ordinance for the regulation and government of boatmen employed in licensed boats. (Master Attendant to keep register of licensed boatmen.)

No. 7. An Ordinance to amend the Police Ordinance, 1865. (Recovery of cost of police on being quartered under the 10th, 11th and 26th sections of the Ordinance No. 16 of 1865.)

No. 8. An Ordinance to amend the Stamp Ordinance, 1871. (The word *money* is to include all sums whether expressed in Ceylon, British, foreign or colonial currency. When expressed in other than Ceylon currency the value to be calculated as follows:—£1 sterling is equivalent to 10 rupees,—one franc to 40 cents, one Mexican, American or China dollar to R1·25, one Mauritius dollar to R2.)

No. 9. An Ordinance to provide for taking a census from time to time. (Occupiers of dwelling-houses shall fill up schedules and deliver them to the enumerators. Penalty for neglect or refusal any sum not exceeding 50 rupees. Commissioners to make list of estates of 20 acres or more. Superintendents to fill up schedules duly certified to. Penalty for neglecting or refusing any sum not exceeding 100 rupees.)

No. 10. An Ordinance for making final provision for the supplementary contingent charges for the year 1879. (Amount voted R96,479·91.)

No. 11. An Ordinance to amend and continue the Ordinances No. 10 of 1876, intituled "An Ordinance to repeal the Wharf and Warehouse Ordinance 1865," and to make further provision for the establishment in Colombo and regulation of a company to perform the duties of wharfingers and warehousemen. (This Ordinance to continue in force for 5 years. Schedule A in the Ordinance No. 10 of 1876 is repealed and in lieu thereof a new schedule has been adopted.)

No. 12. An Ordinance to amend the Village Communities Ordinance to 1871. (Power to Governor and Executive Council to establish or abolish village tribunals in village or groups of villages at discretion.)

No. 13. An Ordinance for making provision for the supplementary contingent service for the year 1880 (amounting to R434,555).

No. 14. An Ordinance to provide for the further appropriation of certain unclaimed balances from the funds of the Loan Board (amounting to R65,000: for the improvement of the Supreme Court building, Colombo).

No. 15. An Ordinance to establish further tolls and to discontinue certain tolls. [*New Tolls*:—Between 10th and 12th mile-posts Colombo to Kandy; between 8th and 9th Kotte to Kaduwela; between 18th and 19th Pamankada to Horana; 12th and 13th Kelaniya to Henaratgoda; junction of two roads at Mampe; 21st and 23rd mile-posts Colombo to Kandy; 16th and 18th Negombo to Veyangoda; 28th and 29th from Colombo to Galle. *Central Province:*—At the Kuda-oya Gap, Dimbula road. Two tolls—one between 17th and 19th miles from Nawalapitiya, and one between 28th and 30th miles from Nawalapitiya. *Tolls Discontinued:*—10th mile-post Kandy road; near 9th mile-post from Kotte to Kaduwella; Pamankada to Horana 15th and 16th miles; Tudella to Pamunugama 13th mile-post; Minuwangoda; Kospalankissa bridge; Pattalagodara bridge; Colombo to Galle 27th and 28th miles; Giriulla Ferry. *Central Province:*—Arambekadde to Bokkawella.]

No. 16. An Ordinance to provide for the appointment of a Commissioner to hold criminal sessions of the Supreme Court. The Commissioner to be called Commissioner of Assize. The same powers exercised by the Judges of the Supreme to be vested in the Commissioner.

No. 17. An Ordinance to provide for the medical wants of immigrant labourers in certain planting Districts (Government to undertake medical care of labourers. Special fund to be created for the purpose. Export duty to be levied on coffee, tea, cacao and cinchona.)

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Report on ancient inscriptions in the North-Western Province, and in the districts of Matale and Trincomalee, by Dr. E. Müller;
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India Rubber trees; notes on some trees yielding India Rubber by Dr. Henry Trimen, Director, Royal Botanic Gardens, Peradeniya;
Revenue and Expenditure returns by Provinces;
Report of the Progress and expenditure on Public Works during 1879 by the Director of Public Works;
Report on the Tissamaharawa Reservoir;
Report upon the proposed repair of the Kalabalawewa, &c., in the North-Central Province;
Report on the Yakabendadola irrigation scheme;
Village Tribunals; a statement shewing the districts, presidents, their salaries and staffs and the number and the nature of the cases disposed of during the year;
Railway Extension towards Uva; result of tenders for construction of Railway to Nanu-oya;
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LEGISLATIVE COUNCIL.

PROCEEDINGS.

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PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL.

Wednesday, 15th September, 1880.

PRESENT:

HIS EXCELLENCY SIR J. R. LONGDEN, K.C.M.G., President.

The Hon. JOHN DOUGLAS, C.M.G.,
The Hon. Major-General W. WILBY, C.B.
The Hon. B. L. BURNSIDE,
The Hon. W. H. RAVENSCROFT,
The Hon. G. VANE, C.M.G.,
The Hon. F. R. SAUNDERS,
The Hon. F. B. TEMPLER,
The Hon. Col. A. B FYERS, R.E.,
The Hon. W. D. WRIGHT,
The Hon. J. P. OBEYESEKARA,
The Hon. P. RAMA-NATHAN,
The Hon. R. B. DOWNALL,
The Hon. H. BOIS.

1. MEMBERS SWORN.—The necessary oaths were taken by the Hon. B. L. Burnside, and the Hon. H. Bois.

2. OPENING OF THE SESSION.—His Excellency the Governor opened the Session with the following address:—

HONOURABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL,

I REGRET that, in opening another Session, I am unable to congratulate you on an unchecked continuance of the prosperity which notably distinguished the five years ending with 1878. All countries are subject to such vicissitudes, and connected—intimately connected—as Ceylon is with Europe, through its extensive and valuable trade, it could hardly escape sharing in the great commercial depression which has affected not England alone but the whole commercial world during the last three or four years, and which is only now slowly passing away.

2. It is not only from outside that the prosperity of the Island has suffered. Unfavourable weather, leaf disease, and other causes have diminished the produce of coffee in many of the coffee districts, and the new and thriving industries of cinchona and tea are hardly yet sufficiently advanced to compensate for the decrease in the coffee crop.

3. At such a time, it is satisfactory to me to be able to announce that the distress among the native peasantry in the Eastern, Northern, and North-Central Provinces, which occupied much of our anxious attention last year, has passed away, and that on my visits during the recess to those provinces I found that food was fairly abundant and cheap.

FINANCE.

Revenue of 1879.

4. The finances of a country are always dependent on its general and commercial prosperity, and it was, as the Council are aware, anticipated that the revenue of 1879 would fall much below the revenue of 1877, which was the highest ever raised in a single year in Ceylon. The published accounts shew that the revenue actually collected fell a little short of the moderate estimate that had

average rate of 524 rupees per mile all round. The vote proposed for 1881 is 1,307,465 rupees for an aggregate length of 2,958½ miles, being at the rate of 442 rupees per mile.

Irrigation Works.

21. It has been found necessary to reduce the vote for irrigation purposes to 120,000 rupees. A third of this—40,000 rupees—is appropriated for the upkeep of the irrigation works already completed. It is proposed to expend the sum of 50,000 rupees in carrying on the work of building sluices for the village tanks in the North Central Province, of which the bunds have been repaired by the villagers on an understanding that the Government would contribute the sluices. The remainder of the vote is required for other irrigation works and sluices.

22. It was my intention, if the state of the public finances had permitted, to have proposed for execution next year the great work of restoring the ancient tank of Kala-Bala-wewa. In anticipation of doing this I caused a contour survey to be made, which shewed that with a depth of 15½ feet the tank would cover an area of 1,773 acres, and would hold up 421,000,000 cubic feet of water. I took an opportunity, during the recess, of personally visiting the tank, in company with the Lieutenant-Governor, the Acting Government Agent of the Province, and the irrigation officers, and I am satisfied that the work is practicable, and can be carried out with every prospect of permanent success. The reports of the officers who have been engaged in the survey will be laid before you, and I hope that the time is not distant when this great work will be accomplished.

23. It is impossible to overrate the importance of storing the river water during the wet weather, so as to have a reserve to fall back upon in seasons of prolonged drought. The village tanks are of much use in this way, but in many of them the water sinks too low even in an ordinary dry season to be available for irrigation, and some of the smaller tanks dry up altogether.

24. Nowhere in the Island has the advantage of storing a sufficient supply of water for irrigation been more signally proved than in the Batticaloa district of the Eastern Province. It is now twenty-four years since Sir Henry Ward proposed to this Council the commencement of the great irrigation works which have enabled the inhabitants to convert the fine stretch of country from Batticaloa to Kalmunai and the Akkarai-pattu into the most extensive range of paddy fields to be found in Ceylon. The works that were constructed under Sir Henry Ward's government and subsequently during the administration of Sir Hercules Robinson, amply demonstrate the benefits derivable from the interception and storage of the abundant waters of the wet season, by barring the streams and diverting the water into large tanks, in which it could be stored for use in the dry season. Cultivation has so largely increased in this district that the works executed in 1857 and subsequently have become inadequate to retain a sufficient head of water for the more extensive area that now requires to be irrigated, and in order to increase the supply it has been found indispensable to bar the other channels by which a part of the waters of the Patipal-aru (the only river in the district) escape to the sea. By the liberal votes of the Legislative Council in 1878 and 1879 I was enabled to set these works in hand, and on my late visit to the Batticaloa district I inspected them. The anicuts across the Kaliodai and Suriodai channels are completed, and that across the Pattampatti-aru, which is a much larger work, will be finished by the end of the year. These works, coupled with the repair of the breach made in the bund of Irikkamam in 1878, and an improvement in the means of filling that tank, supplement and complete the work commenced under Sir Henry Ward and continued by succeeding Governors, and, as far as may be judged from experience, will assure to the cultivators of the great plain south of Batticaloa a sufficient supply of water at all times, and prevent the loss of their crops from that want of water in consequence of which the district has of late suffered so cruelly.

25. In the Northern Province little has hitherto been done in the way of irrigation works; but in January last, while at Vavuniya-Vilankulam, I directed the repair of the ancient tank there, for the purpose of securing a supply of water at all times for the use of the station as well as for irrigation. This work is nearly finished. I have also sent one of our ablest irrigation officers to examine and report upon the means of supplying water to the western part of the Wanni, a district now greatly neglected, but which history shews to have been at no distant date a very productive country. When Mr. Parker's report is received a copy will be laid upon the table.

Flood Outlets.

26. The great work of providing more effectually for the escape of storm waters and the protection of the country near Colombo from damage by floods was suspended after the completion of the Talpitiya flood outlet, until the report of the English Engineer to whom the whole scheme of flood outlets had been submitted for examination and advice was received. That report has only

been received within the last month, and it will be laid before you for consideration. You will see that, subject to some suggestions, the scheme generally has received Sir John Coode's approval, and that will, I trust, be prosecuted when funds are available for it. So far as it has been tested, the works at Talpitiya have been successful in providing a ready outlet for the flood waters, but it cannot yet be said to have had a full and sufficient trial.

TELEGRAPHS.

27. According to the arrangements made last year, the management of our insular telegraphs was handed back by the Government of India to this Government on the 1st of July. The Telegraph Department has been placed under the control of the Postmaster-General, assisted by an Electrician and special staff. For the sake of economy it is proposed to work the department in connection with the General Post Office. It has for some time been foreseen that it would be necessary, very shortly, to reconstruct the line between Colombo and Kandy, and measures have been taken for procuring the materials required for this work and for the extensions of the telegraph which have already been resolved on. I am glad to inform the Council, in connection with this subject, that the cable which unites Ceylon with India has lately been examined and found to be in good condition.

CENSUS OF 1881.

28. The last item in the proposed estimates for 1881, to which I would call the attention of the Council, is the provision of 125,000 rupees for taking the decennial census in March next. Great attention has been given to the subject by the Acting Registrar-General, and a new Ordinance will be proposed containing provisions which will, it is hoped, enable the census to be taken with the least possible annoyance or trouble to the population. This is a matter of great importance, for no census can ever be accurately taken without the willing co-operation of the people themselves.

FINANCIAL PROSPECTS.

29. Honourable Gentlemen, it has been my duty to lay before you, as clearly as I could, the full extent to which our revenue has fallen, and may be anticipated to fall, and the estimates of expenditure submitted by my Government have been reduced so as to bring the expenditure down within that revenue. In many respects the financial position of the year 1881 is and must be exceptional. A falling revenue coincides with some heavy and unaccustomed demands upon the Treasury. While the interest and sinking fund of the Kandy railway still demand an appropriation of nearly 700,000 rupees, the interest payable on the moneys borrowed for the Matale and Nanu-oya railway and other works amount, as I have already pointed out, to more than 500,000 rupees; and of this half-million a small part only can be expected to be recouped from the opening of the Matale line. The pressure is aggravated again by the necessity of providing rupees 125,000 for the cost of the census. It is of the utmost importance to maintain the high estimation in which Ceylon is held in the money market, and which has recently enabled the Government to borrow the money required for railways on most favourable terms. This can best be done by shewing that even in the present crisis the revenue is sufficient to meet all demands upon it without the imposition of any new taxes. In 1882 the financial position will be largely improved. The demand on account of the Kandy railway will be reduced to a comparatively small sum. The census expenditure will be at an end. It is not too sanguine to hope that more favourable seasons will ensure better crops. Trade is almost certain to revive, and the new exports—cinchona, tea, and others—which are rapidly increasing in quantity and value, will help to build up the prosperity of the country.

RAILWAYS.

30. I have now to bring under the notice of the Council the other great works that are being executed by means of borrowed moneys.

31. The three years given by the contract for constructing the Matale railway will not expire until the 20th day of May next (1881), but it has been for some time evident that, by using a little more diligence, the line could, at a very small additional cost, be completed by the contractor at a much earlier date, and the Matale planters strongly urged upon my Government the expediency of arranging for an early opening of the line. I have accordingly agreed to pay the contractor a bonus of 35,000 rupees, if the line be reported by our engineer in the terms of the contract completed and fit to be opened for traffic by the 1st of October, 1880, and I am assured that the line will be opened accordingly.

32. The contract for the railway line from Nawalapitiya to Nanu-oya was let on very favourable terms. A copy of the contract will be laid upon the table for the information of the

Council. The railway was formally commenced on the 3rd of August, and I have no doubt that the works will be vigorously pushed on.

33. With regard to the further extension of this railway from Nanu-oya to Haputale, I have to lay on the table a copy of the despatch of the Secretary of State for the Colonies, in which Sir Michael Hicks-Beach states in reply to the resolution passed by the Council last Session, that "in "view of the present somewhat depressed financial condition of the Colony, and considering the large "outlay which is being incurred upon the Colombo breakwater, the Matale and Nanu-oya lines, and "other public works, he is unable at the present time to sanction the further expenditure which would "be involved by at once carrying on the railway to Haputale." I have already, in my place in this Council as well as in my despatches to the Secretary of State, expressed my sense of the expediency and importance of carrying the railway through to Haputale; but I cannot but feel, at the same time, that it would be premature to commence the Haputale section until the Nanu-oya extension is somewhat further advanced. It must be remembered that the Nanu-oya line is in itself an indispensable part of the Haputale extension; no part of that line could possibly be of the slightest use until the whole of the line is completed to Nanu-oya. It is evident therefore that it would be a useless waste of money to complete the Haputale section before the line to Nanu-oya is open to traffic. Now the distance from Nawalapitiya to Nanu-oya is a little over 41 miles, but from Nanu-oya to Haputale is only 25¼ miles, so that even if the sanction of the Secretary of State were given at once to the Haputale section, it would be useless to commence it until some progress had been made with the Nanu-oya line. Moreover, the Colony will, after next year, be in a better position to meet the interest of the additional money that it will be necessary to borrow, because, by that time, the debt still due on the Kandy railway will have been paid off. Another inducement to defer the commencement of the Haputale extension is the great and economical use which may be made of the Nanu-oya extension itself, in conveying heavy ironwork, such as the permanent way, to Nanu-oya. If all the rails for the Haputale section have to be carried by road in carts from Nawalapitiya to Nanu-oya, the cost of the line will be enormously increased, for the road is upwards of thirty-seven miles long, and the site of the Nanu-oya station is 3,360 feet above Nawalapitiya. On these grounds I am of opinion that the Haputale railway, if sanctioned by the Secretary of State, should be commenced in such time that the earthwork, masonry, and all other work preparatory to laying the rails may be finished by the time that the line now in construction is completed to Nanu-oya.

34. The Kalutara railway has at length been completed, and I have directed the capital account to be closed. It has been deemed necessary by the responsible officers of the railway that some of the station platforms should be lengthened, and other improvements made, and houses for the station masters have had in some cases to be built, for which no provision was made in the original estimate. A schedule of all the sums expended in excess, with the reasons for the expenditure, will be laid before the Council. Although the seaside line has failed to attract goods traffic, yet the passenger traffic has been sufficient to cover the working expenses and yield a small profit, while at the same time a great convenience is afforded to the inhabitants of Colombo, Panadure, Kalutara and the adjacent villages.

35. In accordance with the wishes expressed in the Council, the question of constructing a railway through the northern part of Colombo, commencing at the Pettah station and passing under the hill by a tunnel, and thence towards Green Lodge and on to Mattakkuliya Farm, has been thoroughly examined. It appears from the report of the Government Agent that the land required for the line is valued at 94,662 rupees; the cost of constructing the first section of the line, from the Pettah station to near the Green Lodge, is estimated by the Resident Engineer at 290,563 rupees, and that of the second section, from Green Lodge to Mattakkuliya Farm, at 350,073 rupees. The traffic is estimated by our experienced Traffic Manager to yield a gross return of 46,000 rupees per annum, of which the working expenses will absorb 27,600 rupees, leaving a net profit of 18,400 rupees per annum, which is equivalent to about 2½ per cent. on the outlay, if the outlay did not exceed the estimates; but for my own part, I scarcely know of any great work, especially one like this, involving the purchase of a number of small properties in a town, in which the first estimates have not been largely exceeded, and looking to the returns of the expected traffic and the present financial condition of the Colony, I am unable to recommend the construction of this line. There is not money enough in the railway construction fund to cover the cost, nor is the small margin of possible profit sufficient to justify the Government in borrowing a loan for the purpose. The papers on this subject will be laid on the table.

36. The principal railway works which it is proposed to undertake in 1881, besides the Nanu-oya line, are the two new bridges over the Kalutara canal and over the Kelani river on the main line, and the other improvements for which provision was made last year by the Ordinance No. 13 of 1879.

Colombo Harbour Works.

37. The resolutions passed by the Council in the last Session relative to the proposed modification of the Colombo Harbour Works were transmitted, with all the papers bearing upon the question to the Secretary of State in November last, for the consideration of the Consulting Engineer. It was only by the last mail that I received Sir John Coode's report, which, with the accompanying plans, will be laid upon the table. These papers will, I am sure, receive the earnest attention of the Members of this Council. It is pointed out by the Consulting Engineer, who has given his anxious attention to the subject, that to shorten the southward arm of the breakwater would have the effect of placing the entrance to the harbour in so much shallower water that, after making due allowance for the scend of the sea, vessels of the largest class, ironclads for example or first-class steamers, could not enter the harbour. This would be a deplorable defect in the harbour, which scarcely any saving could compensate for; for, not only ships of war but merchant steamers also are constantly increasing in size, and the harbour would lose much of its usefulness if ships of the largest class were permanently excluded from it. Sir John Coode's report is so clear and full, that it is sufficient for me at present to refer to it, and to say that the question of the course to be taken in regard to the works will be brought before the Council as early as is compatible with a careful consideration of the papers laid before you. In the meanwhile the breakwater works are being energetically carried on according to the plans already agreed to. I regret that owing to delays in England, which I believe were unavoidable, the dredging of the harbour within the already protected area has not yet been commenced. The steam dredge *Merak* was purchased for the purpose some months ago, but the buckets for dredging have not yet been received from England, but are expected to arrive at the end of the present month, and the work of dredging will probably be commenced about the end of October.

Colombo Water-Works.

38. The works for supplying Colombo with water are in steady progress. The piping is being sent from England, and I have authorized the immediate construction of a cart road to the site of the proposed reservoir at Labugama.

Enlargement of Supreme Court.

39. There is one work of considerable importance which has been for some time pressed upon the attention of the Government. Both the late and present Chief Justice have represented the inadequacy of the accommodation provided for the Supreme Court, especially the want of a second hall for the Appellate or a second Criminal Court to sit in while the Supreme Court is sitting in the great hall. I visited the court-house, and discussed with the Chief Justice and the Queen's Advocate the additional accommodation required, and it was then proposed to make an addition to the Court buildings facing Belmont Street. Plans have accordingly been prepared for an additional block of offices, and for converting some of the existing offices into a spacious chamber for the Appellate Court. The new buildings are designed to harmonize in style with the existing courts, and will be a handsome addition to the public buildings in Colombo. The cost of the new buildings is estimated at 78,000 rupees, taking the value of the land at 2,000 rupees; and it is proposed to provide for the cost out of the lapsed Loan Board Funds, which by law are specially appropriated to purposes connected with the administration of justice.

Ordinances.

40. The principal legislative work which will in the first instance engage the attention of the Council will be the Civil Procedure Bill, which was laid upon the table at the last Session, and which will be re-introduced.

41. Another measure of law reform, of the necessity of which I am every year more convinced is the revision—I might perhaps more properly say, the enactment—of the criminal law, for, with the exception of a few Ordinances regulating the procedure and punishment in case of some particular offences, the criminal law of the country is not embodied in any general Ordinance on the Statute Book, nor is there any general Criminal Code, such as the Penal Code, which has been adopted in India and many of our colonies, or the criminal laws of England. The enactment of such a Code was urged by the late Chief Justice, who saw the necessity for it, and the present Chief Justice concurring in his predecessor's views on this matter, has undertaken to frame a law which will, I trust, be brought under your consideration during this Session.

42. A Bill will be again laid before you for amending the Ordinance No. 14 of 1872, relating to the medical care of the Malabar coolies in the coffee districts. By this Bill the duty of providing for the medical care of the coolies is thrown entirely upon the Government, the cooly-employing

estates being assessed for the cost of the medical aid. In the details of the measure which will be submitted to you, the scheme suggested by the Principal Civil Medical Officer, which has been already published, has been mainly followed; but some provisions have been inserted in the Bill with a view to lessen the expenditure, amongst which I may specify a provision authorizing the use of the district hospitals already provided under the law of 1872 as hospitals under the new ordinance.

43. The report of the Select-Committee which was appointed during the last Session to inquire into certain alleged grievances in connection with the working of the Wharf and Warehouse Company, will be laid upon the table. The Committee recommended that the lease of the premises let to the Company should be renewed for a further term of five years, and that, in any re-enactment of the Ordinance No. 10 of 1876 establishing and regulating the Company, the scale of consolidated charges fixed by the Ordinance should be revised. A Bill will therefore be laid before you for this object. The lease of the Government premises occupied by the Company has been extended for five years.

44. A Bill will be laid before you for the better protection of coolies and passengers not able to help themselves against the extortion of money, in excess of their legal fare, by boatmen in Colombo carrying passengers to or from ships in the port. Many instances of such extortion have been brought under the notice of the Government, but it is so difficult to identify the offenders that detection and punishment are generally hopeless. In order to check this practice it is proposed to license the boatmen, and provide each of them with a numbered badge, which will serve to identify any man transgressing the rules laid down in or by virtue of the Masters Attendant's Ordinance, 1865.

45. It has been found desirable to make provision by law for regulating the use of dangerous explosives, such as dynamite, without interfering with their legitimate application, and a Bill for this object will be laid before you.

46. A Bill will be laid before you for amending in some respects the Ordinance 26 of 1871, constituting the village tribunals. The working of these tribunals has been lately made the subject of inquiry, and a very interesting series of reports has been made by the Government Agents which demonstrate the great usefulness of these tribunals, especially in the Kandyan Provinces, and in parts of the country where there are no regular police courts. It is not proposed to alter or increase the jurisdiction of these courts, but to give them the power of checking the institution of false and trivial cases, and of enforcing the payment of the fines which they are already empowered by law to inflict. Power is also required to facilitate such alteration, or removal, or discontinuance, by the Governor in Council, of courts set up under the law of 1871 as experience may shew to be advisable. The reports on the village tribunals will be laid on the table.

47. There are some other smaller Bills, chiefly providing for amendments which have been found necessary in ordinances already passed, on which I need not now pause to particularize, and there is the Bill to which I have before alluded, for authorizing the taking of a Census in March next.

Dry Grain Commission.

48. The Commissioners appointed under the Grain Tax Ordinance, 1878, have carried out the commutation directed by the law in many districts of the Western Province, with as full a measure of success and as rapidly as could reasonably have been anticipated in a work in which patient investigation is necessary in every case, and in which it is above all things desirable to secure the confidence of the great agricultural class. It will be in the recollection of those members who sat in the Council during the Session of 1878, that a discussion arose as to the great obstacles that would have to be encountered in commuting the grain taxes in those parts of the Island, especially the Jaffna Peninsula, where dry grain is chiefly cultivated, and the Government then promised that Commissioners should be appointed to make enquiry into the subject and report upon it. The Commission was appointed in April, 1879, and a copy of their report with the evidence taken by them will be laid upon the table. In this report the Commissioners point out the almost insuperable difficulties in the way of commuting the tax on dry grain in the Northern Province (where more than half the dry grain tax is collected,) and not being able to suggest any satisfactory method of overcoming these difficulties, they think that the tax on dry grain must be abolished. It will be remembered that a majority of the Grain Tax Commission of 1877 expressed the same opinion, but the minority were of opinion that as the revenue of the Northern Province is not sufficient to meet the expenditure of the Government in the province, the tax should not be surrendered unless an equivalent amount of taxation could be substituted for it. The Secretary of State, in a despatch dated 9th July, 1878, a copy of which was laid before the Council, stated that he was not then prepared to assent to the abolition of the tax. Under these circumstances, even if our financial position permitted the surrender of the taxes on dry grain, I should not be prepared to propose their abolition without first communicating with the Secretary of State, which I have not yet been able to

do, as the report has only just been received. But the financial position of the colony does not permit the Government to propose the remission of the dry grain tax at the present time without finding a substitute, and no satisfactory substitute has been proposed. It will be observed that in the report of the Commission the abolition of the dry grain tax is not advocated on the ground that the tax itself is oppressive or that the people are overtaxed, but upon the ground that the renting system by means of which the tax is now collected will be abolished as soon as the Grain Tax Ordinance comes into operation, and that there is no method other than renting by which the tax on dry grain can be collected. But the Grain Tax Commissioners are at present working in the Western Province, and they will not be at liberty to proceed to the Northern Province, which is the principal seat of dry grain cultivation, for at least two years, and it is not therefore the intention of the Government to introduce any Ordinance dealing with the question during this Session.

Government Cryptogamist.

49. The preliminary report made by the scientific gentleman who was sent from England to carry on the investigations set on foot by Mr. Morris, into the natural history of the coffee leaf disease, will be laid upon the table. It may fairly be hoped that the labours of Mr. Marshall Ward will result in a thorough knowledge of the manner in which the disease is propagated and communicated, and as a consequence of this exact knowledge a determination will be arrived at as to the best modes of extirpating the pest.

Archæological Commission.

50. Further reports by Dr. Müller, the archæologist who was sent out by the Secretary of State to take up the work commenced by the late Dr. Goldschmidt, will be laid on the table. These papers shew that the ancient inscriptions, though for the most part failing to give any valuable historical information, have much philological interest. The term of Dr. Müller's original appointment expires early next year, and as I do not think any useful purpose will be served by prolonging his commission, I have assented to his immediate return to London, where he will occupy the rest of his time in preparing, with the aid of works not to be found in the Colony, his final report.

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51. The subjects that will occupy your attention are both varied and important, and I earnestly hope that our proceedings may be so directed as to increase the prosperity of Ceylon and the happiness of the people.

3. His Excellency the Governor having retired, the chair was taken by the Hon. the Lieutenant-Governor.

4. Address in reply to His Excellency's Speech—The Auditor-General moved that the following gentlemen be appointed a Sub-Committee to prepare the Address in reply to His Excellency's Speech:—The Hon. the Government Agent, Western Province, the Hon. the Surveyor-General, the Hon. the Principal Collector of Customs, the Hon. J. P. Obeyesekara, the Hon. P. Rámanáthan, and the Hon. H. Bois.

Seconded by the Hon. B. L. Burnside.—Carried.

On the motion of the Lieutenant-Governor, seconded by the Auditor-General, the Council at its rising adjourned to Wednesday next, the 22nd September, at 3 o'clock P.M.

WEDNESDAY, SEPTEMBER 22.

Present :—His Honour the Lieut.-Governor and Colonial Secretary (who presided), the Hons. the Major General, the Queen's Advocate, the Auditor General, the Treasurer, the Govt. Agent W. P., the Surveyor General, the Principal Collector of Customs, J. P. Obeyesekera, P. Rama Nathan, H. Bois and F. Mackwood.

Absent :—The Hons. the Government Agent C. P.; R. B. Downall, and James VanLangenberg.

NEW MEMBER.

Mr. F. M. Mackwood took the necessary oath on assuming his seat as the representative of general European interests.

REPLY TO THE GOVERNOR'S SPEECH.

The Hon. the GOVT. AGENT W. P., chairman of the sub-committee, brought up the draft address in reply to the speech of His Excellency the Governor as follows :—

ADDRESS OF THE LEGISLATIVE COUNCIL TO THE GOVERNOR IN REPLY TO HIS EXCELLENCY'S SPEECH OF THE 15TH SEPTEMBER 1880.

To His Excellency the President of the Legislative Council, Sir James Robert Longden, 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,—1. The Legislative Council thank Your Excellency for your address. They share your regret that the financial prosperity which marked the five years ending 1878 has met with a check, but, recognizing the fact that the finances of this Colony are largely dependent on its staple industry, the Council were not unprepared to learn that the prevailing depression in the coffee enterprise had affected nearly every branch of the revenue. As Your Excellency has remarked, the revenues of 1877 and 1878 were exceptionally high, and it is satisfactory to note that, notwithstanding all disadvantages, the revenue of 1879 is larger than that of any year previous to 1877, and exceeds the average revenue of the ten years ending 1876 by upwards of 2,500,000 rupees. It would be unreasonable to expect any marked improvement during the present year, and the Council are not surprised to find that the revenue of 1880 will probably be slightly less than that of 1879; but they believe that, with a revival of trade in Europe, a return of normal seasons to the Island, a diminution if not gradual disappearance of leaf disease, the establishment of the staple industry of the Island on a sounder financial basis than has lately existed, and the aid of the rapidly developing industries of cinchona, cocoa, and tea, the existing depression will pass away, and be followed by a period of real prosperity equalling any recorded in the past history of the Colony.

2. The Council are glad to hear that the distress among the native peasantry, which caused anxiety last year, no longer exists, and that food in the provinces affected was on the occasion of Your Excellency's late visit found to be fairly and abundant and cheap.

3. This Council will duly consider the estimates of revenue and expenditure for the year 1881, when laid before them. They notice the necessity which apparently exists for providing out of an exceptionally short revenue for interests on sums borrowed for works *in progress*, and would suggest for consideration whether the defrayment of such charges might not be legitimately postponed until the works with which they are connected are completed and returning revenue.

4. The Council, feeling a deep interest in the cause of education, will give full consideration to the vote which it is proposed to take for this purpose.

5. The Council agree with Your Excellency as to the advisability of restricting the expenditure on public works to such as may be actually in progress or are urgently necessary, and are glad to learn that by the employment of prison labour on the new Lunatic Asylum it has been found possible to reduce the vote for next year to the sum of 25,000 rupees.

6. The Council note that it has been found necessary to reduce the vote for irrigation purposes, and while thanking Your Excellency for your interesting remarks in connection with the ancient tank Kalabalawewa, and other large irrigation works completed or projected, they recognize the necessity for postponing the execution of any large new works until such time as the public finances will admit of their being undertaken. They regret that it is found necessary to postpone the further prosecution of the works required for the protection of the country near Colombo from damage by floods.

7. The arrangements made for working the Island telegraphs appear to the Council to be judicious and economical. They observe with satisfaction that measures have been taken to ensure the efficient working of existing lines, and to carry out extensions already resolved on. They are glad to know that the cable which unites Ceylon with India, on which our communication with the Western World depends, was, when lately examined, found to be in good condition.

8. The Ordinance to provide for taking the decennial census in March next will receive due consideration.

9. The Council congratulate Your Excellency on the commencement of the Nawalapitiya-Nanuoya railway, and most thoroughly concur in the opinion expressed by Your Excellency that the extension from Nanuoya to Haputale should be commenced in such time that the earthwork, masonry, and all other work preparatory to laying the rails may be finished by the time that the line now in construction is completed to Nanuoya. They consider that the Uva traffic is absolutely necessary to warrant the favorable estimate formed of the working of the general extension and trust that no avoidable delay will interfere with the commencement in due time of this section, destined for the relief of both Europeans and Natives interested in an important and prosperous province.

10. The results of the working of the Kalutara line were not wholly unexpected, and the goods traffic at present wanting may hereafter be attracted by a further extension of the sea-side line. In the meantime it is satisfactory to note that the passenger traffic alone suffices to cover working expenses and yield a fair profit, and this in itself would appear to justify a liberal policy in extending the benefits of railway communication to other populous districts.

11. The Council regret to hear that the estimated cost of the proposed railway through the northern part of Colombo is so high, compared with the estimated traffic, as to prevent Your Excellency from recommending the construction of this important line. The Council are glad that the papers on this subject are to be laid before them and will give them careful attention.

12. It being a matter of the utmost importance to maintain in a state of perfect efficiency the main line of railway from Colombo to Kandy, the Council trust that it may not be found necessary to incur further delay in carrying out the works which were provided for by Ordinance No. 13 of 1879.

13. The papers connected with the important harbourworks now being carried out at Colombo will receive the earnest consideration of this Council. They will be prepared to support the recommendations of the Consulting Engineer in so far as they may subserve the interests of the Colony.

14. The necessity for a Civil Procedure Bill and a general Criminal Code has been long recognized, and the Council hope that it will be found possible to introduce both these measures during the present Session. They trust that the consideration of the Medical Aid Ordinance may result in the passing of

an enactment which, without pressing too heavily and unequally upon estate owners, will sufficiently provide for the medical wants of the Tamil coolies and the community whom it is proposed to benefit. The amending Ordinance which is designed to increase the efficiency of Village Tribunals, and the other enactments to which Your Excellency has referred, will meet with the careful attention of this Council.

15. The Council are pleased to learn that the commutation of the Grain Tax in the Western Province is proceeding satisfactorily. Your Excellency's remarks in connection with the Dry Grain Commission are of interest, although no immediate action is proposed to be taken in the matter.

16. The Council share the hope expressed that the labours of the Government Cryptogamist, Mr. Marshall Ward, may result in a thorough knowledge of the life-history of leaf disease, and, as a consequence, lead to the extirpation of a pest which has affected to a serious extent the yield of coffee estates in many districts of the Island.

17. The Council note that it is not intended to prolong the term of Dr. Müller's appointment. They will look with interest for his final report.

18. In conclusion, the Council desire to assure Your Excellency that they will cordially co-operate with you in everything calculated to advance the prosperity of Ceylon or the welfare of its people, and they join in the earnest hope that their proceedings may be so directed as to secure the common end which they and Your Excellency have in view.

By Order of the Council,
J. A. SWETTENHAM,
Clerk to the Council.

Legislative Council Chamber,
Colombo, 22nd September, 1880.

The Council then went into committee on the draft address, which was adopted without alteration.

THE GOVERNOR'S REPLY.

On the arrival of His Excellency the address was read to him by the Hon. the LIEUT.-GOVERNOR, and the following was His Excellency's reply :—

HONORABLE GENTLEMEN of the Legislative Council, I thank you for your reply to the speech which I delivered at the opening of the Session.

The finances of the Colony will, I am sure, receive your earnest consideration, but I trust that it will not be found necessary to depart from the wholesome practice hitherto adopted, of providing from the current revenue the interest upon moneys borrowed for works in progress.

I have received with much pleasure the assurance that you will co-operate with me in everything calculated to promote the interest of Ceylon and its people.

PAPERS.

The Hon. the LIEUT.-GOVERNOR laid the following papers on the table :—

Report of the Director of Public Instruction for 1879—Public Instruction Dept., Code for Aided Schools 1881, also a memorandum on the amendment contained in the present Revised Code—Further correspondence on the Coffee Leaf Disease 1879-80—Further correspondence on the Coffee Leaf disease in continuation of Sessional paper No. 1 of 1880—Coffee Leaf disease, preliminary report by the Government Cryptogamist—Report on ancient inscriptions in the North-Western Provinces, and in the districts of Matale and Trincomalee, by Dr. E. Müller—Contributions to Sinhalese Grammar by Dr. Müller—Report on the alleged grievances in connection with the working of the Wharf and Warehouse Company—Railway Extension towards Uva; further correspondence relating on the Haputale section—India Rubber trees; notes on some trees yielding India Rubber by Dr. Henry Trimen, Director, Royal Botanic Gardens, Peradeniya—Revenue and Expenditure returns by Provinces—Report of the Progress and expenditure on Public Works during 1879 by the Director of Public Works—Report on the Tissamaharawa Reservoir—Report upon the proposed repair of the Kalabalawewa, &c., in the North-Central Province—Report on the Yakabendaela irrigation scheme—Village Tribunals, a statement shewing the districts, presidents, their salaries and staffs and the number and the nature of the cases disposed of during the year—Railway Extension towards Uva; result of tenders for construction of Railway to Nanuoya—Report on the Pearl Fishery of 1880, by W. C. Twynam, Esq., Government Agent, Northern Province—Railway extension towards Uva, further correspondence relating to the Haputale section—Irrigation return shewing the revenue derived in 1877 and 1878 by sale of crown tythes and commutation from new land through the aid of irrigation works constructed or repaired by Government—Dry Grain Commission: report of the Commissioner appointed by the Government to enquire into and to report upon the subject of the duty now payable on dry grain grown in the Island and the mode to be adopted in assessing the sums to be paid under the "Grain Tax Ordinance, 1878" on account of such duty—Further correspondence relating to Colombo Harbour Works—Further papers on the subject of Flood Outlets—Further correspondence relating to the proposed Matakuliya railway.

After laying the papers on the table the hon. gentleman continued thus :—There are two papers of special importance amongst those laid on the table. The first is with reference to the revised code of Public Instruction. As it is usual to obtain the assent of Council to any large measure of revision like this, I propose to take an early opportunity of making some motion such as will give hon. members an opportunity of stating their opinions and of ascertaining the general opinion of the Council upon it. There are also papers respecting the Colombo Harbour Works. The papers have been printed and circulated but they are not quite complete yet, as the Surveyor General is lithographing some plans which have been received from Sir John Coode and which form a very interesting and valuable part of them. As soon as these plans have been lithographed and the papers are complete, I propose to give notice of a motion with a view to testing the opinion of the Council on the question of the policy to be pursued with respect to the Colombo Harbour Works. It may perhaps be convenient to give some notion as to the course the Government propose to adopt. As regards the main business of the session, I propose to bring forward the first reading of the estimates on Wednesday next so as to allow of their being fully considered by the Council. The bill which will probably require most discussion in Council—I mean the Cooly Medical Aid Ordinance—I hope to bring forward as soon as Dr. Kynsey has returned to the Island. It will be almost impossible to consider the bill while Dr. Kynsey is away, but as soon as he returns to the Island, (which will be about the middle of next month) I hope to be able to bring it forward.

NOTICES OF MOTIONS.

The Hon. J. P. OBEYESEKERA : To ask whether Government have received any information regarding the distress that is said to prevail in Seven Korales and, if so, whether any steps have already been taken, or if it is proposed to adopt any with a view to relieving the same, and to move for papers.

The Hon. P. RAMA NATHAN : To ask if the attention of Government has been called to the heavy increase of work in the Supreme Court and to the impossibility of the Judges of that Court to cope with such excess of work, and to move for papers.

The Hon. P. RAMA NATHAN : To ask if any work has been commenced in the Northern Provinces since the passing of the Irrigation or Paddy Cultivation Ordinance, and to move for papers, report, and surveys in connection with the Giant's Tank in the Mannar district.

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Your Excellency has already gone somewhat fully into the question of the finances of the Colony. But, it will be expected of me, especially on the present occasion, that I should not depart from the usual course of explaining the financial policy of the Government, and also of giving to the Council and the public some tolerably accurate idea of our financial position. The revenue of the year 1879 amounted to R14,748,666; and the expenditure to R14,747,825, leaving a balance of R841. It is necessary however that I should warn the Council that even this result leaving a small balance to the good, was only ...d through an unexpected windfall. It will ...bered that before the close of the financial ...there was a double system of entering ... for our great consuming depart... first bought stores in England or ...harged as an expenditure, required on payment ...his payment was ...to this con... ...as credited ...aly, for 1878 ...os

...ion relating to the proposed Matale railway. ... papers on the subject of Public Instruction. ...

After laying the papers on the table the hon. member continued thus:—There are two papers of special importance amongst those laid on the table. The first is with reference to the revised code of Public Instruction. As it is usual to obtain the assent of Council to any large measure of revision like this, I propose to take an early opportunity of making some motion such as will give hon. members an opportunity of stating their opinions and of ascertaining the general opinion of the Council upon it. There are also papers respecting the Colombo Harbour Works. The papers have been printed and circulated but they are not quite complete yet, as the Surveyor General is lithographing some plans which have been received from Sir John Coode and which form a very interesting and valuable part of them. As soon as these plans have been lithographed and the papers are complete, I propose to give notice of a motion with a view to testing the opinion of the Council on the question of the policy to be pursued with respect to the Colombo Harbour Works. It may perhaps be convenient to give some notion as to the course the Government propose to adopt. As regards the main business of the session, I propose to bring forward the first reading of the estimates on Wednesday next so as to allow of their being fully considered by the Council. The bill which will probably require most discussion in Council—I mean the Cooly Medical Aid Ordinance—I hope to bring forward as soon as Dr. Kynsey has returned to the Island. It will be almost impossible to consider the bill while Dr. Kynsey is away, but as soon as he returns to the Island, (which will be about the middle of next month) I hope to be able to bring it forward.

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The Council then went into committee on the draft address, which was adopted without alteration.

THE GOVERNOR'S REPLY.

On the arrival of His Excellency the address was read to him by the Hon. the LIEUT.-GOVERNOR, and the following was His Excellency's reply:—

HONORABLE GENTLEMEN of the Legislative Council, I thank you for your reply to the speech which I delivered at the opening of the Session.

The finances of the Colony will, I am sure, receive your earnest consideration, but I trust that it will not be found necessary to depart from the wholesome practice hitherto adopted, of providing from the current revenue the interest upon moneys borrowed for works in progress.

I have received with much pleasure the assurance that you will co-operate with me in everything calculated to promote the interest of Ceylon and its people.

PAPERS.

The Hon. the LIEUT.-GOVERNOR laid the following papers on the table:—

Report of the Director of Public Instruction for 1879—Public Instruction Dept., Code for Aided Schools 1881, also a memorandum on the amendment contained in the present Revised Code—Further correspondence on the Coffee Leaf Disease 1879-80—Further correspondence on the Coffee Leaf disease in continuation of Sessional paper No. 1 of 1880—Coffee Leaf disease, preliminary report by the Government Cryptogamist—Report on ancient inscriptions in the North-Western Province, and in the districts of Matale and Trincomalee, by Dr. E. Müller—Contributions to Sinhalese Grammar by Dr. Müller—Report on the alleged grievances in connection with the working of the Wharf and Warehouse Company—Railway Extension towards Uva; further correspondence relating on the Haputale section—India Rubber trees; notes on some trees yielding India Rubber by Dr. Henry Trimen, Director, Royal Botanic Gardens, Peradeniya—Revenue and Expenditure returns by Provinces—Report

A MUHAMMADAN CEMETERY.

The Hon. the LIEUT.GOVERNOR then moved the first reading of

An Ordinance to authorize the establishment of a Special Cemetery for the burial of the dead of the Muhammadan community.

He said: The necessity for this Ordinance arises thus: under the Ordinance No. 12 of 1862, the Governor in Council is authorized to establish general cemeteries and to set apart a portion (or portions) of any cemetery for the use of different religious denominations. But that Ordinance confers no power for the creation of a cemetery intended for the use of one religious denomination exclusively. Now the Muhammadans were in possession of two large cemeteries in Colombo; and, with the consent of Government, they have established a new cemetery at Demetagoda to replace one of those which has been closed which they are anxious to have recognized in due legal form. But as Ordinance 12 of 1862 gives no power to establish a cemetery for the use of one religious denomination alone, it is necessary to resort to a special enactment in order to legalize this particular cemetery. I do not think there will be any objection on the part of the Council to the measure. I now propose the first reading of this Ordinance to-day.

The Hon. the AUDITOR GENERAL seconded, and the Hon. the LIEUT.-GOVERNOR said that he would take the second reading at the next meeting.

THE POSTAL LAWS.

The Hon. the LIEUT.-GOVERNOR: I have also to move the first reading of

An Ordinance to amend the Postal Ordinance, 1880. The object of this Ordinance which is fully explained in the preamble is to carry out the provisions of the Postal Union Convention which this Colony entered into in common with most of the British Colonies and almost all the countries in Europe.

The Hon. the AUDITOR GENERAL seconded, and the LIEUT.-GOVERNOR said that he would take the second reading at the next meeting.

CIVIL PROCEDURE.

The Hon. the QUEEN'S ADVOCATE: I rise, sir, to move the first reading of the bill which I now hold in my hand, but to which I regret I cannot give a title. I shall not detain the Council for long with the observations which I am about to make. I am quite sure it will be in the recollection of those present, that this bill on Civil Procedure was introduced on the last day but one of the last Session by my predecessor, the present Deputy Queen's Advocate; and that in so doing he went largely into the principles of the bill and explained the necessity which existed for passing some measure of this kind. He gave the history of the bill and stated that it had arisen out of the necessity which was universally felt that the present Civil Procedure of our Courts should be drawn up in some compact and easily accessible form and not be scattered about as at present in numerous Ordinances and rules of Courts. He also said that the necessity had been thoroughly recognised and that the bill itself, which he then introduced, had formed part of a code which had been prepared originally by Sir John Budd Phear, and he stated at the same time, that the measure which he then introduced (and which I now hold in my hand) was one most imperfect in its parts. He pointed out that the scheme of Sir John Phear had been dealt with, in detail, by a committee appointed by the Government, and that the present bill was simply a fragment of that large and general measure. I think, sir, that that is a matter very much to be regretted. I think it would have been very desirable to have introduced the code as a whole and not in parts. But at the present moment we must deal with it as we find it. I find this measure was introduced by my predecessor with the following observation:—"There could be no doubt that it forms a good basis for a civil procedure measure, and when worked up in committee, after being subjected to the criticism of all persons interested in the administration of the law, will be found to meet all their requirements." Well, it was, as will be remembered, introduced on the last day but one of the last Session. Of course, I am not called upon at the present moment to enter into the history of the bill from that day to the present time. But I may say it is the identical bill—the same in all its details—as introduced by my predecessor during the last Session. And whilst I can say with him, that there can be no doubt that it forms a good ground-work, upon which an exceedingly useful superstructure of Civil Procedure may be erected, I must say I cannot think that the bill, in its present state, can pass this legislature at all, nor do I think that it will be competent for this legislature to deal with the measure so as to complete it during the present Session. I think it will be necessary therefore that the bill should go as soon as possible to a select committee, and that the select committee should be prepared to act with vigour and dispatch, so that it might be ready in its entirety early next session and then passed in regular form. With these observations I beg to move the first reading of this ordinance which as yet has no name.

The Hon. the LIEUT.-GOVERNOR seconded, and the Hon. the Queen's Advocate announced that he would take the second reading at the next meeting.

DISTRESSED COLONIAL SEAMEN.

The Hon. the QUEEN'S ADVOCATE in moving the first reading of

An Ordinance relating to shipwrecked Colonial Seamen in distress in the United Kingdom,

said: This measure can be explained in a few words. It is simply a bill by which Government are authorized to repay any expenses which may be incurred in relieving seamen of this island who may be in distress in the mother country. It is a kind of reciprocal measure which has, I believe, been adopted by all Her Majesty's dependencies, and is in accordance with Imperial legislation, by which any British seaman who is in distress in any of Her Majesty's colonies is relieved and sent home at Government expense. In this bill colonial seamen are declared to be seamen who last served in any ship registered in this colony.

The Hon. the LIEUT GOVERNOR seconded, and the Hon. the Queen's Advocate said that he would take the second reading at the next meeting.

ILLICIT SALES OF WINES AND SPIRITS.

The Hon. the LIEUT.-GOVERNOR moved the first reading of the following bill:—

An Ordinance to repeal the Ordinance No. 8 of 1869, intituled 'An Ordinance to discourage the illicit sale of wine, arrack, rum, or spirits,' and to make other provisions in lieu thereof.

He said: This ordinance has been rendered necessary by a recent judgment of the Supreme Court by which it was held that distillers could not be prosecuted under the 13th clause of Ordinance 10 of 1849, which imposes a fine as well as imprisonment for such illicit sale. They can therefore only be prosecuted under the 26th clause of that ordinance, the maximum punishment being a fine of R50. I need hardly say that a fine of R50 is a very small matter to a distiller, in comparison with the profits he can make by the illicit sale of arrack. It is very desirable to discourage such illicit sale. And this ordinance is introduced with a view to placing the law of the colony on the same basis as it was understood to bear before the judgment of the Supreme Court to which I have referred.

The Hon. the QUEEN'S ADVOCATE seconded, and the Hon. the LIEUT.-GOVERNOR said that he would take the second reading at the next meeting.

THE CENSUS.

The Hon. the QUEEN'S ADVOCATE moved the first reading of the following Bill:—

An Ordinance to provide for taking a census from time to time

He said that the ordinance had been based to a certain extent on the English Act of the same kind. There was also, in addition, provision similar to those which existed in the Irish and Scotch Acts. The English machinery included supervisors, enumerators, and others. The Irish Act confined the machinery to the constabulary. But the machinery established by this act was best suited to the circumstances of the country. The provision was that the respective Government Agents and the chairmen of the local boards were established commissioners in their several districts. They would appoint enumerators dividing the district into divisions, and the enumerator upon each division would be charged with the work of taking the census. Upon the census being taken, the schedules would be returned to an officer duly authorized by the act, called the Superintendent of the Census, who would be authorized to make an abstract form with the various returns shewing the result of the census. A clause would be inserted hereafter for enumerating the itinerating population during the time the census is being taken. This would be entrusted entirely to the discretion of the Superintendent of the Census. He continued: I should also say that provision is made as to the schedules which are to be circulated and as to what is to be taken down. In the Irish Act there is a general right given simply to take the number of the persons who may be at the particular moment in a particular place, and also the religious profession of those persons may be included in the schedules. But, in regard to the religious clause, neither the English nor the Scotch Act make any provision. But I think it is very desirable, for many reasons, that the religion of individuals should be known, and therefore in this bill a general clause to that effect has been inserted. With these observations I beg to move the first reading of this bill.

The Hon. the LIEUT.-GOVERNOR seconded, and the Hon. the Queen's Advocate said that he would take the second reading at the next meeting.

The Council then adjourned at 4 o'clock till Wednesday next.

WEDNESDAY, SEPTEMBER 29.

Present:—H. E. the Governor, the Hon. the Lieut.-Governor, the Major-General, the Queen's Advocate, the Auditor-General, the Treasurer, the Surveyor-General, the Principal Collector of Customs, J. P. Obeyesekera, J. VanLangenberg, P. Rama Nathan, H. Bois, and F. M. Mackwood.

Absent:—The Hons. the Government Agent W.P., the Government Agent C.P. and R.B. Downall.

NOTICE OF MOTION.

The Hon. the LIEUT.-GOVERNOR: I give notice that on this day fortnight I shall bring forward a motion with a view to testing the sense of the Council regarding the policy to be adopted respecting the Colombo Harbour Works.

PAPERS.

The Hon. the LIEUT-GOVERNOR laid on the table the following papers:—

Report of the Sub-Committee of the Planters' Association and of the Sub-Committee of the Chamber of Commerce on the Medical Aid Ordinance; further papers upon the proposed repair of the Kala-Balalu-Wewa, &c., in the North Central Province; and reports for the past year from the Acting Queen's Advocate (Judicial) and from the department of Public Works and the Survey department.

THE BUDGET OF 1881.

The Hon. the LIEUT-GOVERNOR: In pursuance to an agreement with the unofficial members of the Council last year, that the first reading of the estimates should take precedence of other business on the order of the day, I now rise to move the first reading of

An Ordinance for making provision for the Contingent Services for the year 1881.

Your Excellency has already gone somewhat fully into the question of the finances of the Colony. But, it will be expected of me, especially on the present occasion, that I should not depart from the usual course of explaining the financial policy of the Government, and also of giving to the Council and the public some tolerably accurate idea of our financial position. The revenue of the year 1879 amounted to R14,748,666; and the expenditure to R14,747,825, leaving a balance of R841. It is necessary however that I should warn the Council that even this result leaving a small balance to the good, was only realized through an unexpected windfall. It will be remembered that before the close of the financial year of 1878 there was a double system of entering stores purchased for our great consuming departments. Till then we first bought stores in England or in Ceylon and the cost was charged as an expenditure. We then issued the stores as required on payment to the consuming department and this payment was charged a second time as expenditure to this consuming department and money so realized was credited as revenue. This of course was an anomaly, for there was no revenue really received. Since 1878 that system has been done away with. Our stores are now bought on a system of advances and are charged as expenditure, once only when they are issued. At the end of 1878 there was a large balance of stores which had been paid for in previous years and which had to be dealt with somehow. They could not be treated as advances, and it turned out that the only way of dealing with them was by crediting the revenue with their value. Of course they had been paid for in previous years. That circumstance produced a windfall amounting to R670,000. It was a windfall which will never occur again and but for it, instead of having a small balance like that of R841 to the credit of the colony, we should have had a very large balance to the bad. For the present year the revenue has been estimated at R14,754,000, almost the same as the revenue of the year 1879. As I have already said, we shall not get such a windfall during the current year as we have had in 1879, and irrespective of that item, the ordinary revenue has shown during the first eight months a decrease of R216,000 as compared with the same period in 1879. In many items the revenue has shewn no decrease. In the customs there is an increase of R44,000: part of that increase is due to the increase in the duty paid on spirits, under an ordinance passed during last session. The sale of Government property shows an increase, during the eight months, of R110,000. This is owing partly to the sales of timber and partly to salt; and the fact that the people of the Island are able to purchase more salt during the current year than the preceding year, shows a favourable state of the people's finances. There is a new item of revenue which will be noticed in the estimates for this year; that is the telegraph revenue. The pearl fishery has given us a net revenue of over R100,000; on the other hand the falling-off in the railway receipts for the first eight months has been R251,000, or rather more than the total falling-off of the whole of our revenue. The land revenue shows a slight decrease, but I would explain that it has arisen in a very satisfactory way. A certain number of the cultivators in the Western Province petitioned Government that the collection of the grain taxes might be postponed, in order that they may be collected under the new Grain Tax Ordinance, and Government, of course, yielded to so reasonable a request. The stamp revenue also shows a slight falling off. Taking then into account the fact that we can, this year, anticipate no special receipt of R670,000 such as we had last year, and that the general revenue indicates as probable a further falling off of R300,000 or thereabouts, the revenue

of the current year must be expected to fall short of that of 1879 by about R1,000,000, it will probably therefore amount to about R13,750,000. The expenditure of the year has been estimated at R14,484,000; and to this of course will be added whatever sums are taken in the supplementary Supply Bill. It will not therefore surprise the Council to know that it has been the duty of Government to keep the expenditure within all possible bounds, during the present year, in order that our incomings may not be exceeded by our outgoings. It is impossible for us to say yet how far we shall succeed in the attempt. It is a matter of anxiety, during the present year, because it is very undesirable to show forth to the world that we are retrograding, instead of progressing. For the coming year, the revenue is estimated at R13,538,000, or about R200,000 less than the probable revenue we shall get this year. Under the principal sources of revenue, you will find that the customs are estimated as before at R3,000,000. Land sales are estimated at somewhat less, because the greater part of our valuable available land has already been parted with. Land revenue is estimated at the ordinary R1,000,000. Rents exclusive of land also shew a falling-off as our toll rents are realising smaller prices as there is less traffic on the roads. Licenses are also estimated lower, for we find by experience that the renters have not been making money and the arrack rents for the year from 1st July 1880 to 30th June 1881 have been sold in the Central and Western Provinces at a heavy depreciation as compared with the similar preceding period. The reason is that the cartmen, botique-keepers, and similar classes who are the chief consumers of arrack have less money to spend upon it. There is no real falling-off in the revenue from stamps, but I have transferred under the head of Postage Revenue, the revenue derived from postage stamps. It is very desirable that people, generally, should be able to tell at a glance what a Revenue Department receives, as well as what it expends. The postage revenue when collected in stamps not in money used to be credited under the head of Stamps. For the future it will always be credited under the head of Postage. The revenue of the Island Telegraphs is estimated at R64,000 during the coming year. The Pearl Fishery we hope will produce R300,000. The Railway Receipts the Traffic Manager has estimated at R3,204,000. There has been a very large general falling-off in the Railway Receipts this year, because of a falling-off in the goods and passenger traffic. There is less business going on, and so people don't find occasion to travel. It is for this reason we have postponed, for the present, the introduction of suburban trains on the main line within the vicinity of Colombo. It is the opinion of the Traffic Manager that in the present condition of the passenger traffic such trains could only be run at a loss, and we are therefore waiting for better times before introducing them. The bill which I have to bring before you deals with expenditure not already authorized by ordinances of the Legislative Council. The expenditure which is not in the bill is that on the Fixed Establishment R2,039,587, the Military Contribution R1,240,000, the interest and sinking fund on the Breakwater loan R180,000, the same on the railway loans R1,032,000. To arrive therefore at the exact expenditure of the coming year, we will have to add to the total shown in this ordinance, a sum of R4,491,607, making the gross total for the year R13,420,622. There is not a great deal to remark on the various items which are brought forward. There is a decrease in the general salaries of R27,000, but we have added to the establishments the cost of working the Matale line which will be R65,000. The nett cost of Establishments will therefore be increased by a sum of R38,000. The item for allowances is the same as last year; contingencies show a large decrease through a transfer of R41,000 to conveyance of mails. The establishment of the Public Works and the Survey departments have been decreased by R20,000 and R10,000 respectively because there will be less demands on those departments during the coming year. An additional R7,000 will be asked for the development of the Postal services. It is only the natural outcome of the system which Mr. Skinner has been energetically developing during the last few years. There is one item of interest though a small one. It is an addition to the staff of the Botanical Gardens, for a head gardener at the cost of R2,000. Hon. members have frequently pressed on Government the necessity of making our Botanical Garden more widely useful and on consulting Dr. Trimen, as to what could be done, he said the best thing to do would be to get out a thorough gardener—a man who thoroughly understood all kinds of practical gardening—in order to superintend the Gardens, and, at the same time, to teach others to cultivate. We have acted on his advice, and I hear from private sources that a good practical gardener has already been selected. There is a small increase in the department of Public Instruction, for the salary of an additional Inspector, a matter which was specially referred to in Council last year. The item of pensions and retiring allowances show a decrease. Under the head of Hospitals and Sanitation there is a decrease of R41,000 which I am very glad to notice. It is a result of the almost perfect health which has reigned throughout the island during the current year. We have had altogether a series of very bad years—namely, '77, '78 and '79. But reports from all parts of the island, speak of the health of this year as being unusually good. Our hospitals are by no means full, and almost everywhere the food of the people has been cheap and abundant. It has therefore been possible to reduce this vote by a large sum. On the other hand, I am sorry to say that a large additional sum is required for prison services. There has been an enormous increase of crime throughout the island, so that our prison population is increased by about 30 per cent; and of course the prison establishments and the prison diets have risen in a corresponding degree. There is a large increase on the Post Office which arises partly, from the introduction of a new item of R35,000, which we are bound to pay the Imperial Government on account of loss on postage through our entering the Postal Union convention, and partly through the transfer to this head from Establishment of R41,000 as I have already mentioned. As regards Public Works there is nothing to note except what has been already commented on by Your Excellency. There is a vote for the completion of the present trace of the Uda-Pussellawa road as far as the Obedde Oya and also one for an outlet for the Kalupahane lands. Under the head of road maintenance, there are two items I would call attention to. First of all the provision for the maintenance of the road between Grand Pass and Ratnapura. A very heavy amount of traffic has been thrown on this road through the Haputale traffic now coming down by road instead of by river and we are obliged to supplement the vote taken this year for the maintenance of that road, and for similar reasons, we have been obliged to increase the expenditure for next year. In fact, the vote is more than doubled, being raised from R31,127 to R69,385. It is also proposed to take over the Dimbula road between Tispane and the new Longden road as a main thoroughfare. This road has become one of the main thoroughfares of the island, and we felt bound to keep the pledge given by the Government last year in respect to it. The vote for the census among miscellaneous services, has been already referred to by Your Excellency; and in the railway service, the increase is of course due to the opening of the Matale line. As to the vote for Telegraph service I have inserted a block vote instead of giving the details, because that establishment is in a transitional state. It will become in time one department with

the Post Office. Telegraph masters are being taught postal duties, and post masters are being taught telegraph duties. As soon as these duties, the department will be reduced to one officers at each station, and after the process of amalgamation, we shall be able to reduce the total expenditure on the establishment which is now in excess of R95,000. The details of course will be submitted to the sub-committee. The vote for exchange has been reduced. We now provide for every item of large expenditure in England at 1/8 to the rupee instead of at 1/10½ as heretofore, and it is no longer therefore necessary to make any large provision in the estimate for loss by exchange. Each head of service bears its own charge. In the presence of being able to shew so small a budget for the coming year, I would ask leave to detain you, gentlemen, for a short time longer, in saying some thing about our general financial prospects. In the first instance as regards surplus revenues it will be remembered that those surplus revenues being obtained through the policy which we have adopted during the past 27 years, of keeping our outgoings rigidly within our incomings, there has been only one year in which we have had a deficit and that was in 1868. And the excesses of revenue over expenditure during the other 26 years have added year by year to our surplus fund which has from time to time been appropriated by the Legislature to works of general utility. I cannot hold out any prospect of surplus fund votes during the coming session because, as I have already said, the surplus which accrued from last year was very trifling and we appropriated R720,000 during the last session from the funds then available; and the balance is now not larger that we ought to have at the present juncture, to insure us against all possible contingencies that may arise during the present year. Then as regards railway extension: a further portion of that vote will certainly be wanted for the seaside line. That line has cost more than was anticipated. In fact, I suppose no railway engineer has ever yet made an exhaustive estimate of what a railway would cost. This, at least, has been my experience. Therefore, sir, as regards accumulated funds, we are not likely to be able to bring forward any new measure during the present session. As regards the future, our position is in a few words this: our revenue has fallen in three years about R3,100,000. This has been brought about, partly by the depression of the staple industry of the Island—coffee—but is also due to the fact, that the other industries of the island have suffered to a very material extent. The price of cinnamon has fallen greatly, and the price of coconut oil has fallen from £49 per ton at the beginning of 1879 to £32-10s. at the present time. Misfortunes never come singly and that is what we have had to cope with at the present. But I think the falling off in our revenue, is due in a much greater degree to the rebound which we have had to encounter from the unnatural inflation of the years 1876, '77, and '78. Those were years when credit was unlimited, and when the revenue was driven up to an unprecedented, I might say abnormal, figure which, however, placed a large balance at the disposal of this council. I think those were times which many of us would be sorry to see again, at any rate, we are now suffering from the rebound and I think it is that, more than anything else, which has produced the depression which we have now met. So much for the dark side of the picture. Now, as regards the bright side. We have to note that the credit of the colony has been thoroughly maintained. We have raised a loan this year at 4 per cent which would have been considered an impossibility a few years ago. The loan was subscribed for twice over by London banking institutions alone. That shows very clearly that the financial position of the colony is a sound one, and that our credit is thoroughly unimpaired. Then, sir, we have to look forward to brighter times in the shape of being relieved of a very heavy burden in the paying off of the sinking fund on the main line. The debt remaining to be paid is now £350,000. Of this £250,000 is due in May 1882, and the remaining £100,000 not till November 1883. But in the ordinance which provides for the extinction of that debt, there is a clause which says "that the payments are to be continued thereafter for 14 years or such shorter period as may suffice to extinguish the debt." It therefore becomes interesting to know exactly what funds we have in hand for the extinction of that debt. Those funds are accumulated sinking funds invested in England, the value of which, at the current market rate, was on 30th June last £270,500. Between this and next year, we shall have added to that, three instalments of sinking funds, amounting to £54,000. There will also be added to it, the interest on the investments, which will amount to £21,500. I may therefore congratulate you, sir, on the prospect of having a sinking fund at the end of next year amounting to £345,000, available for paying our debts due in 1882 and 1883. But between the end of next year and May 1882 there will be of course a further addition to this fund in the shape of accrued interest and I think we may therefore safely count on being relieved of the burden of debt on the main line, after next year. We shall then have R350,000 more to spend, and we shall be in possession of no line of railway beginning at Kalutara and ending at Nawalapitiya, perfectly free from all debt or due. I think I may fairly congratulate your Excellency and the Council on such an event. We shall then have both more to spend and more to get, and we can then hope to undertake those large works of public utility which it has been the duty of your Chancellor of the Exchequer, under the Governor's direction, to bring forward before the Council, from year to year. I trust it will not be long before those financial results will be realized.

The Hon. the Auditor General seconded the motion, and the Hon. the Lieut.-Governor said that he would take the second reading at the next meeting.

DISTRESS IN THE SEVEN KORALES.

The Hon. J. P. Obeyesekera rose to ask:—

Whether the Government have received any information regarding the distress that is said to prevail in Seven Korales, and, if so, what steps, if any, have already been taken, or, it is proposed to adopt with a view to the relief of the same, and I to move for papers.

He said that he regretted that the feeling of satisfaction with which he had received His Excellency's address in opening the session should have been almost immediately disturbed by the sad news of the distress that is prevalent in the Seven Korales—a distress of a type equally severe to that in the Eastern Province. He understood that the paddy crops of Seven Korales in general and particularly of Hiriyala and Wanni Hatt Pattus and Dewemedi and Demala Pattus had been destroyed by drought during the last three years and the people, having exhausted their last resources in the sale of their household goods and their cattle, were now endeavouring to subsist upon such vegetable food as was to be found in the dried up beds of tanks and in the wilderness around them. The tanks upon which the people in these districts depended were all, with a single exception, dried up: consequently from the want of the necessary food to support life, some of the people were dying, and others were leaving their habitations. Most people for want of food have left their homes and their lands for places which have yet to be ascertained. And in order that these statements may not seem improbable at first sight, he could assure His Excellency and the Council, that he had gathered this information from respectable and intelligent people, on whose testimony reliance could be placed, and who, by reason of their disinterested character and position, were fully qualified to express an opinion regarding the circumstances of the people.

in these famine-stricken districts. He might perhaps be permitted to quote part of a letter that he had received on this subject this week from an intelligent and respectable native gentleman in one of the affected districts:—

"I learnt that many people have left their villages and gone astray not with a certain prospect of obtaining food, for many of them *died on the way* in hospitable strange places; but some of them from sheer desperation in order to avoid being dragged on to jail for default of paying road tax."

"I also learnt that in those parts there is not a green blade of grass or a green leaf in the jungles; and one can see the distance of half a mile as though the jungle had been burnt."

"The people now live upon the green growth of the dried up beds of tanks, Ola yams called *Ola ala*, Wala kalu, Diwul fruit &c., and from the unwholesomeness of such food many people died and are dying. Cattle, the only wealth of the people of these parts, are dying from the want of fodder and water."

Continuing, he said it did not require much effort to show that the inevitable result of attempting to live on such unwholesome food must sooner or later be followed by death: and it behoved a paternal government to afford as much relief to the people thus afflicted as it was in their power, and to take steps to check the frequent occurrence of such famines. The frequency of the occurrence of these famines would lead one to inquire into the causes to which they are traceable. And he would state his opinion as regards the causes of that distress, and as regards their frequency. In times gone by, it was very seldom that they heard of famines in the North Western Province. But since the last ten years they very often heard of these famines, which, in days gone by, were few and far between. And he could not but come to the same conclusion as that to which he had come during the last session, that the cause of the frequent occurrence of these famines was due to the strict enforcement of the rules prohibiting the cultivation of chenas. He made certain comments on this question during the last session and was replied to by the Hon. the Colonial Secretary, to the effect that although the cultivation of chena was prohibited in ordinary times, yet, as soon as Government had official intimation that distress existed in any district, a relaxation of the rules was immediately ordered. Being but the seconder of a motion proposed by another Hon. member on the opposition he unfortunately had not then the privilege of replying to the hon. the Colonial Secretary. But he was strongly reminded on that occasion, as he was now, of a Sinhalese saying about "the barking of the watch-dog seven years after the thieves had escaped" a saying analogous to the English adage about shutting the stable door after the horse was gone. It was all very well to talk of relaxing the rules regarding chena cultivation as soon as distress was reported in a district. But he should like to ask of what benefit, of what avail, could such a relaxation be, after the people had been smitten with such a calamity, and were lying prostrate under it? Surely it was not necessary to wait till the distress had already visited a district, and the Government Agents had sent in their reports thereon, to relax those rules. Why not relax them once and for all? Before the enforcement of these rules the people were very seldom subject to famine. Why? Because they had the privilege—a privilege established by long usage—of cultivating chena and tanks overflowing with water. But now they had neither of these advantages. The tanks were dilapidated and useless and the privilege of chena cultivation was taken away from them; and until at least the tanks were brought into a state of efficiency chena cultivation should be allowed; as he feared that so long as this is restricted as at present famines will continue to occur, for the benefit of a small section of the inhabitants of this Island.

The Hon. P. RAMA NATHAN seconded.

The Hon. the LIEUT. GOVERNOR replied that the remarks to which reference had been made were confined to the parts of the Island which His Excellency had visited, but he might say, that even at that time, they had already received intimation that relief would be required in the North-Western Province. He did not know whether he was correct but he rather thought that it was from himself that the hon. gentleman first heard of the distress in the North-Western Province. As soon as he received the reports of the Government Agent to the effect that distress was imminent, small sums of money were placed in his hands for immediate relief. But the Government Agent was instructed not to deter the people from leaving their villages to go in search of work, this practice being a healthy one in times of scarcity, and which was encouraged at such times, not merely in India but in England, Scotland and Ireland. More recent reports had since shewn that the distress was becoming more severe in the Demala Pattu of the Puttalam and in the Wanni Hatpattu of the Kurunegala District, and thereupon R3,000 were advanced for relief works in the latter district. As to the nature of those works, an attempt was to be made to asmeddumise some of the lands under the Maha Uswewa, a tank which always filled, but where the people were unwilling or unable to cultivate. If these lands were once brought into cultivation it would add to the permanent food supply of the people. The remainder of the relief would be in the shape of work on roads. He could not follow the hon. member in his disquisition on chenas because he thought it was not germane to the subject and was a large and important question which, if brought forward at all should be brought forward on its own merits. Of course in those parts of the North-Western Province the people lived almost entirely through chenas and as the tanks were few the people were entirely averse to cultivating paddy. One reason of the present distress was that chena crops had lately in a large measure failed. The cause of famine he need hardly say was want of rain. In that province there had been a want of rain for three years, and no cultivation could have prevented the distress which had prevailed there during the last year. As he had already said, he could not follow the hon. member into the chena question at present because that was a question of policy of which, if it was to be raised at all, should be raised on its issues. He would only say that the present famine was not in any way due to any restrictions on the part of the Government, but to the scarcity of rain in the North-Western Province.

The Hon. J. P. OBEYESEKERE in reply, said that the first intimation he had received did not come from the Hon. the Colonial Secretary, but from some people at Veyangoda. The people were taking some cattle for sale, and it was from their reply to his question, as to why they were selling the cattle, that he first learned of the distress. With respect to the reply of the Hon. the Colonial Secretary, to the effect that tanks were in the course of construction, he would ask what was the use of the tanks so long as they were not constructed? He would still urge that the people be allowed the privilege of cultivating chenas at their option.

H. E. the GOVERNOR: The hon. member may be assured that the Government will watch the progress of the Province, and will take care that the distress is not unrelieved. It has been the duty of Government, in various parts, to relieve distress and they have not failed in their duty. The Government will afford such relief as they are able, but will not take any steps which will have the effect of diminishing the self-help which they have a right to expect in the people.

INCREASE OF WORK IN THE SUPREME COURT.

The Hon. P. RAMA NATHAN, in asking

If the attention of Government has been called to the heavy increase of work in the Supreme Court, and to the impossibility of the Judges of that Court to cope with such access of work,—

said he had watched the working of the Supreme Court, both in its appellate and criminal side, and there could be no doubt that since the departure of Sir Edward Creasy, work had been steadily increasing. Between 1874, the year of Sir Edward's retirement, and 1877, the year in which Sir John Phear was appointed as Chief Justice, the pressure felt by the Supreme Court was mainly in respect of the appeal work, brought about in great part, as he (Mr. Rama Nathan) believed, by the frequent changes on the bench of that Court. Sir John Phear had a heavy legacy of appeals left to him by his acting predecessors, but with untiring effort he was able to work them all off except 235 "final" appeals which remained undecided at the time of his resignation. As for the circuit work, Sir John was able to successfully grapple with it. After his departure, the circuit work had somehow increased at a very abnormal rate. Having carefully considered the statistics, he (Mr. Rama Nathan) found that out of 13 circuits within the compass of twelve months, that is to say, between September 1879 and September 1880, 7 circuits had run more or less into each other, thus keeping two judges engaged concurrently on that work. The present judges, though harassed in this manner by the criminal work, had hitherto kept the appeal work to very nearly the same level to which Sir John Phear had reduced it. Sir John Phear, as was pointed out, left, in September 1879, 235 finals undecided, and now, in September 1880, there lay in the registry 275 finals undecided. But this state of things Mr. Rama Nathan believed could not long continue, for the circuit work threatened to be as heavy as it ever was or even heavier. Though the judges had worked hard during the preceding months, they were obliged to postpone the Badulla sessions of September 1880 to January 1881, and the Ratnapura sessions of November 1880 to February 1881, because he (Mr. R.) believed their lordships had more important circuit work to attend to. Thus the Chief Justice, on his return from the northern circuit would have to go to Negombo and Chilaw, where about forty cases awaited trial. That session would not close till perhaps the 30th of October. In the meanwhile, on the 10th October another judge would have to take the southern circuit, which would not be over till about the 10th of November next. On that day the Colombo sessions opened and would probably last throughout the December following, as there were about 80 cases on the calendar. In the meantime the Kandy sessions have to be opened on the 1st December. Thus it was tolerably clear that two judges could not sit for the next three months to dispose of final appeals, the consequence of which would be that the list of undecided finals would rise from 275 to about 400. What guarantee had we that the circuit work would not continue to be as heavy as hitherto and thus swell still further the work in arrear in appeal? He (Mr. R.) wished to know whether the judges of the Supreme Court had brought this state of things to the knowledge of His Excellency. If so, would His Excellency have any objection to laying on the table of the Council their lordships' letter? Hon'ble members of this Council would like to know what the judges' views were. He (Mr. R.) was aware that several remedial measures had been proposed. One of them was to create a fourth judgeship on the bench of the Supreme Court; another was to give extended jurisdiction to District Courts to try criminal cases; a third was to allow one judge the power of disposing of final appeals. These and other measures that might be proposed required careful consideration. For his part, he (Mr. R.) would not commit himself to any of these views, but would form an independent opinion for himself when all available information was before him. Would His Excellency furnish the Council with any papers he might have received on the subject?

The Hon. H. BOIS seconded.

The Hon. JAMES VAN LANGENBERG said: I shall probably be expected to say a few words on this motion. There can be no doubt from the statement of my honourable and learned friend (Mr. Rama Nathan) that the appellate work of the Supreme Court, at least that part of it known as the "District Court Finals," is in arrear, and something will have to be done to relieve the present pressure. None of the alternatives referred to by my learned friend, though deserving of consideration, am I at the present moment inclined to support. The suggestion of the appointment of a fourth Judge will hardly, in view of the depressed financial condition of the Colony, find favour with the Government, nor, indeed, is it necessary to create such a permanent charge upon our revenue. I do not think it desirable, in order to afford relief to the Supreme Court, to increase the punitive jurisdictions of the Police and District Courts; still less would it be wise to alter the constitution of the Supreme Court so as to permit of one judge disposing of the work now done by at least two. Whatever assistance is to be given must be given promptly, and I think it might be done by a very simple and inexpensive mode. According to an arrangement introduced by the late Chief Justice, Sir John Phear, one of the judges is absent on circuit criminal work, and the other two throughout the year are in Colombo; the judges in Colombo dispose of the entire appellate work, consisting of appeals from the minor courts, and the District Courts. The work of the minor courts is, I believe, not in arrear, at least it was not so when I left the Island some months ago [Mr. Rama Nathan: It is not now], and it is only in one branch of the appellate business, and that is the "District Court Finals," that the Supreme Court has not been able to keep pace. In former times one judge practically disposed of these appeals. One judge read the cases, one judge heard the argument, one judge conferred with his colleagues, and the judgment really was of that one judge. But since the advent of Sir John Phear, what was required in theory was insisted on in practice, and the judges had to hear each District Court case fully argued. This is quite right, but it involved in many instances the reading by counsel of the pleadings, and in all cases, of the evidence on the record. This necessarily occupied much time, which, I think, might well be saved. Sir John Phear had in contemplation a scheme, by which a printing press was to be established in connection with the Supreme Court, for the printing of records. I am not aware whether the scheme was made known to Government, but it is one which, I think, is well deserving of consideration. The original cost would probably be the only outlay which the Government would have to incur, and the cost of upkeep might well be borne by the suitors themselves by a moderate charge being made. If the record be printed, each judge sitting for the disposal of District Court Finals might be furnished with a copy of the record, and if the record be read by the judge, before the case comes up for argument, a considerable amount of time would be saved in argument, and energy of counsel too. The judges are no doubt very anxious, and are directing their best efforts to keep pace with the work, but it is, under present circumstances, impossible to do so. They sit on Tuesdays and Fridays for the disposal of the final appeals, and on Wednesdays and Thursdays each of the judges in Colombo sits for the hearing of minor court appeals. During the interval, if they have the means of doing so, they might study the District Court records, and be prepared to hear the cases argued, without the trouble, now unavoidable, of having the whole record read at the argument of the case. It is not a creditable state of things that an appeal from a judgment, to obtain which in the court of first instance must have occupied a year or two, should take six or seven months or more to be disposed of, and

any suggestion which would afford a remedy to the existing state of things, would no doubt be acceptable to the suitors and to the profession generally. The scheme of the late Chief Justice to which I referred is one deserving of attention, and I trust it will be considered by Government as by far the most inexpensive mode of removing the pressure upon the Supreme Court.

The Hon. the LIEUT.-GOVERNOR said that the Government were fully alive to the fact that some sort of assistance should be rendered to the Supreme Court. The real pressure of the work, however, was not so much on the civil side as on the criminal side. The Government had been in communication with the judges, and were at present in communication with the Secretary of State. It would be their duty to come to Council during this session as soon as they had heard from the Secretary of State to ask for sanction to whatever measure was decided upon. He should be glad to postpone laying the papers on the table until he was able to do so with an announcement of some definite policy from the Secretary of State, without whose sanction they could not alter the constitution of the Supreme Court.

The Hon. P. RAMA NATHAN agreed to the postponement, but hoped nothing would be decided upon till hon. members had an opportunity given them of expressing their opinions on the subject.

IRRIGATION WORKS IN THE NORTHERN PROVINCE: "THE GIANT'S TANK."

The Hon. P. RAMA NATHAN said the motion that stood next in his name was as follows:—

To ask if any work has been commenced in the North-central Provinces since the passing of the Irrigation or Paddy Cultivation Ordinance, and to move for reports, surveys and other papers in connection with the Giant's Tank in the Mannar district.

He believed the Irrigation Ordinance was passed in 1867 and, as at present informed, he knew of no work which had been begun in that province since that year. That was a pity, for several officers of the Government had from time to time dwelt on the necessity of affording relief to the inhabitants of north Ceylon by means of irrigation works. Hitherto only the district of Mannar had been reported upon. The Irrigation Committee of 1869 said of that district:—

The greater part of it abounds in the ruins of Irrigation Works, many of enormous extent and so completely in ruins and overgrown with forest as to render any examination of them almost impossible. . . . . A proposal has been several times made for the restoration of some portion of the feeding channels connected with the Giant's Tank for the supply of 123 small tanks in the Mantotte Nanaram Pattus, and judging from the reports furnished by the local officers, it would appear that a moderate outlay might be incurred *with great advantage*; but in the absence of any professional examination of the locality, the committee can do no more than recommend the work to the attention of Government.

Writing in 1865, the Assistant Government Agent of Mannar reported as follows:—

The failure to such an extent of the Kalapooam crop of 1864, and the total failure again this year of the maritime paddy crops which have caused such serious loss to the farmers, and so much suffering to the population in general, induce me to bring to notice the advisability of adopting some system of irrigation in the maritime pattus of the district, by enabling them to make use of water now running to waste in the sea. . . . . A body of water is continually flowing through the district to the sea by Aruvi-Aru, which would be sufficient for the irrigation of the whole of the Northern Province, if it could be made use of.

Mr. Dyke had also called the attention of the Government to the subject by his letter dated 25th April 1867. Seven years later, in 1874, Mr. Twynam complained "no work has as yet been commenced under the provisions of the Irrigation Ordinance in the Tamil districts now forming the Northern Province." And in July 1879, the same energetic officer wrote as follows:—

I have again to remark that no work of construction or repair of irrigation works has been carried on in the Northern Province. On behalf of the people of the Manfolaipattus of the Mannar district, I would beg to ask that a competent officer be sent to the Mannar district to make a survey of those pattus and of the tanks and water courses and of the channels leading through the Giant's tank from the Aruvi-Aru. . . . As regards the people of the Vanni, I beg again to urge that the work of repair of village tanks be taken up early next year.

His Excellency would thus perceive that from 1864 downwards, the necessity of undertaking irrigation works in the Northern Province had been repeatedly pressed on the Government, and yet, he (Mr. R.) was sorry to observe that nothing had yet been done. As to that part of the motion which referred to the Giant's Tank, he (Mr. R.) would like to see the several reports and papers thereon sent in to the Government by its officers.

The Hon. J. P. OBEYESEKERA seconded.

The Hon. the LIEUT.-GOVERNOR said that something had been already done this year for irrigation work in the Northern Province. The large tank at Vavonia Vilankulam was taken in hand, and the repairs of four village tanks were about to be commenced. The great undertaking of the Northern Province was certainly the Giant's Tank, and he hoped that it might be undertaken before long. It was a work which had been reported upon at various times. Capt. Woodward examined it and his report was not a very favourable one. But an experienced irrigation officer had been sent down to make a thorough survey and examination of the tank, and the reports he had received from him privately were very encouraging. When a formal report was received from Mr. Parker it should be laid on the table.

The Hon. P. RAMA NATHAN said besides Captain Woodward's report, he would be glad to peruse Schneider's Report of 1807, Mr. Elliott's report and the report of the present Director of Public Works.

The Hon. the LIEUT. GOVERNOR promised to lay them on the table.

A MUHAMMADAN CEMETERY.

The Hon. the LIEUT.-GOVERNOR moved the second reading of

An Ordinance to authorize the establishment of a Special Cemetery for the burial of the dead of the Muhammadan Community.

The Hon. the AUDITOR GENERAL seconded and the bill passed through committee (the third reading being fixed for next meeting).

THE POSTAL LAWS.

The Hon. the LIEUT.-GOVERNOR moved the second reading of

An Ordinance to amend the Postal Ordinance, 1878.

The Hon. the AUDITOR GENERAL seconded, and the bill passed through Committee.

CIVIL PROCEDURE.

The Hon. the QUEEN'S ADVOCATE, in moving the second reading of

"An Ordinance on Civil Procedure,"

said he would ask leave to refer this bill to a sub-committee.

The Hon. J. VAN LANGENBERG said that he understood it was intended to refer this bill to a sub-Committee. He desired to point out that it would be very difficult to determine what the procedure of any Court should be, until its constitution and jurisdiction were clearly and precisely defined. Speaking for himself, he would have the greatest hesitation to adopt a procedure to any Court, until he knew what the powers of that Court were to be. He believed it was intended to extend the jurisdiction of the minor Courts to some extent, but on this point there was diversity of opinion, and the code now under consideration was adapted to an altered state of things. But before such a procedure is considered it would be necessary to ascertain the feeling of the

whether the contemplated changes would be sanctioned. It would be a mere waste of time to go into these provisions upon the footing of a change, if it should be hereafter determined by the Council that the present constitution of the Courts should be retained. He observed that there was to be a uniform practice in the civil Courts without reference to their several jurisdictions. In the event of an extended jurisdiction of the Courts of Requests the procedure might be justified, but it would hardly be insisted on that the procedure to regulate the recovery of R50,000 should be the same as that relating to a claim of R20. In the latter case the proceedings should be summary as they are now, while a more detailed procedure might be necessary in cases involving large claims. The code originally submitted by the late Chief Justice Sir John Phear consisted of several ordinances; the first relating to Courts and their jurisdictions; the second referring to procedure; and the others to cognate subjects. A commission of which he (Mr. Van-L.) had the honor to be a member was appointed to consider the code, but the commission, with the limited time at its disposal, was unable to do more than report upon the first ordinance, though it had fully considered the second. The commission had reported on the constitution of Courts and their jurisdiction, and had suggested some changes which it would be extremely desirable that the Committee should determine on, before reporting upon the procedure part of the Code. But he (Mr. Van-L.) found that the Committee would, by the reference to it of this bill, be limited to the consideration of procedure only, without having the opportunity of expressing an opinion on the jurisdiction of courts. This appeared to him to be like placing the cart before the horse. It was only after he came to Council that he saw the draft of the bill to be considered by the committee, and he could now quite understand the language which had been ascribed to the learned Queen's Advocate in the reported proceedings of the last meeting, when introducing this measure, if measure it could be called in its fragmentary form. He fully concurred with what the Queen's Advocate had said on that occasion, as he (Mr. Van-L.) himself felt the difficulty, as he had already observed, of expressing any decided opinion upon procedure until the powers of the court were defined. He feared that after the committee had reported on the bill, no advance would have been made in the direction of judicial reform, which was acknowledged to be so much needed. The Government, the Commission and the Council, each in its turn, had been occupied for the last two years in considering the Code, but it could not be said that much progress had been made, and after all in the action which was intended to be taken by Government, it might be discovered after the lapse of another year that much time had been wasted. He thought that the ordinances must be taken together, and when once the constitution of the Courts was determined, there need not be any difficulty in adapting the procedure to such Courts. He believed that the Supreme Court was to have original jurisdiction in certain testamentary matters, and rules had been made to meet such a case, but if the Council should consider it undesirable that such a change should be effected, the time given for the consideration of these rules would manifestly be thrown away. He did not wish it to be supposed that he intended to offer any obstacle to the fullest consideration of the bill; on the contrary he was as anxious as any member of the Council, to see it through, but at the same time he felt it his duty to indicate what the difficulties are, in the way of a proper consideration of that part of the Code, now before the Council.

The Hon. the LIEUT.-GOVERNOR remarked that the real question was, which was the cart and which the horse. They might either first decide what the constitution of the Courts should be and then take up the procedure, or they might give precedence to deciding what work the Courts were to be required to undertake, and afterwards consider the machinery for doing that work. And he had high legal authority to support him in thinking that the latter course was the more advisable. The sub-committee that it was proposed to refer the bill to, would have the largest power. He felt somewhat diffident in speaking of the measure, not being a professional man, but from conversations he had had with different legal gentlemen, it seemed to him that by taking up the bill in that way, it would give the lawyers, proctors and others interested an opportunity of expressing their opinion, and it would be an advantage if the sub-committee of the Council took the evidence of those gentlemen. But of course he was entirely in the hands of the Council as to the most desirable thing to be done.

The Hon. P. RAMA NATHAN would be very sorry to see the bill thrown out. The bill at present was imperfect, undoubtedly, but, if the sub-committee did not deal with it, he did not see how else it could be dealt with unless it were introduced in an improved form 12 months hence. If the bill could, without the rules of Council being infringed upon, be referred deficient as it was, to a sub-committee, they might supply the deficiencies.

The Hon. J. VAN LANGENBERG did not wish to be understood as opposing the bill. On the contrary, he was most anxious to press it forward. He would suggest that the committee have power to take into consideration and report upon the constitution of the various Courts.

The Hon. the QUEEN'S ADVOCATE said that he did not think they could do better than refer the bill to a sub-committee. The sub committee, he understood, would be a committee more of the nature of a commission, to inquire into the feasibility of what was suggested in the bill. The committee should have the most extended power to report upon all matters which affected the question. It would be remembered that the whole scheme of Sir John Phear was submitted to a commission. The last words of the commissioners in their report were:—"We now conclude our reports on the proposed Ordinance on courts and their jurisdictions, and have to express our regret, that though we have considered in full session nearly the whole of the proposed Ordinance we have not had time yet to draw up and agree to our report on the latter bill." So far then as this part of the bill was concerned it was absolutely necessary that some instructions should be given to the sub-committee. He thought the suggestion made by his hon. friend (Mr. VanLangenberg) was a very good one that the committee should have the power to take into consideration all the surrounding circumstances connected with it.

His Excellency the GOVERNOR remarked that the entire scheme of Sir John Phear comprehended eight ordinances, of which, only four had been laid before the Commissioners of 1879. The other four were not so laid, because, as a matter of fact, they were not completed. It was therefore only possible to place before the Council the completed bills, of which this was the principal.

The suggestion was adopted and the bill was referred to a sub-committee consisting of the following gentlemen:—The Hons. the Lieut.-Governor, the Queen's Advocate, the Government Agent W. F., the Principal Collector of Customs, J. P. Obeyesekera, J. Van Langenberg, P. Rama Nathan and H. Bois.

SHIPWRECKED COLONIAL SEAMEN.

The Hon. the QUEEN'S ADVOCATE moved the second reading of

An Ordinance relating to Shipwrecked Colonial Seamen in distress in the United Kingdom.

The Hon. the LIEUT.-GOVERNOR seconded and the bill passed through Committee, the third reading being fixed for next meeting.

ILLICIT SALES OF WINES AND SPIRITS.

The Hon. the LIEUT.-GOVERNOR moved the second reading of

An Ordinance to repeal the Ordinance No. 8 of 1869 intituled 'An Ordinance to discourage the illicit sale of Wine, Arrack, Rum, or Spirits,' and to make other provision in lieu thereof.

The Hon. the AUDITOR-GENERAL seconded and the bill passed through Committee, the third reading being fixed for the next meeting.

THE CENSUS.

The QUEEN'S ADVOCATE moved the second reading of An Ordinance to provide for taking a Census from time to time.

The Hon. the LIEUT.-GOVERNOR seconded.

The Council went into Committee, and the bill was referred to a sub-committee consisting of the following gentlemen:—The Hon. the Lieut.-Governor, the Auditor-General the Queen's Advocate, the Surveyor-General, P. Râma Nâthan and F. M. Mackwood.

The Council then adjourned at 5 p.m. till Wednesday next.

WEDNESDAY, OCTOBER 6.

Present:—His Excellency the Governor, the Hons. the Lieut.-Governor, the Major-General, the Queen's Advocate, the Auditor-General, the Treasurer, the Government Agent, W. P., the Surveyor-General, the Principal Collector of Customs, J. P. Obeyesekera, J. Van Langenberg, P. Râma Nâthan, R. B. Downall, and H. Bois.

Absent:—The Hons. the Government Agent, C. P., and F. Mackwood.

Before the Council proceeded with the business of the day, the Hon. J. VAN LANGENBERG drew attention to the fact that in the minutes just read no mention was made of an amendment, made by the hon. member, and accepted by the Government upon the motion that the Civil Procedure Bill be referred to a sub-committee. His Excellency would recollect that the hon. member proposed that the sub-committee should be instructed to report upon the constitution of the Courts and their jurisdiction, as he felt that the committee could not well deal with the procedure, without in the first instance determining jurisdiction, and this amendment was adopted. He wished a note made of the amendment in the minutes.

His Excellency and the Hon. the Queen's Advocate having no objection to the addition, the amendment was accordingly minuted.

PUBLIC INSTRUCTION.

The Hon. the LIEUT.-GOVERNOR continued: I propose also, on this day fortnight if it suits the convenience of hon. members, to move a resolution for the purpose of giving the Council an opportunity of considering the new revised code of public instruction. It would be better to resolve ourselves into committee for the purpose of hearing everything which the Director of Public Instruction may have to say with reference to any questions which hon. members may desire to bring forward.

NEW MUHAMMADAN CEMETERY.

The Hon. the LIEUTENANT-GOVERNOR moved the third reading of the following Bill:—

An Ordinance to authorize the establishment of a Special Cemetery for the burial of the dead of the Muhammadan Community.

The Hon. the AUDITOR GENERAL seconded.

The Hon. J. P. OBEYESEKERA asked whether this cemetery was to be set apart for the Muhammadan community in general, or only for a part of the community. It appeared from what he had read in one of the local papers that morning that the cemetery was to be used by only a section of the Muhammadans, called "the Markar party" and he would like to know whether that was so.

The Hon. the LIEUT.-GOVERNOR: As far as we are aware there is no intention of setting apart the cemetery for any one section of the community. The application came to the Government to allow the cemetery to be used, in lieu of one of the existing cemeteries within the bounds of Colombo which were closed a short time back. They were ordered to be closed in 1871, but the closing has been put off from year to year upon the application of the Muhammadans and recommended by the Municipal Council. The proposal to open the present new cemetery was brought forward by the Muhammadan community, and supported by the Government Agent of the province and also, I believe, by the Municipality. The new cemetery is merely in substitution for the cemetery recently closed, and there was nothing to show that it was to be exclusively set apart for one section of the community.

STAMP ORDINANCE AMENDMENT.

The Hon. the QUEEN'S ADVOCATE: Sir,—I rise to move the first reading of "An Ordinance to amend the Stamp Ordinance, 1871." The necessity for the measure has grown out of a judgment which has been given recently by the Supreme Court, with reference to the operation of the present stamp laws. You will remember, probably, that under the Stamp Ordinance, 1871, provision is made for stamping instruments according to their money value, and such money value is stated in rupees. Now there is no law in this colony that I can find (and I believe I am correct in saying that there is no law) by which the value of the rupee is definitely fixed with reference to the other currencies of the world which may be in circulation here and elsewhere, and consequently where the instrument is stated in foreign currency it is impossible to fix the exact value of that instrument for the purpose of the stamp duties. To instance a case, and one in which the Supreme Court judgment was given, I would say that where an instrument is executed in England, and the amount is expressed in pounds sterling it is impossible to reduce the pounds sterling to rupee value, because there is no law regarding the value attached to the rupee here. Therefore where there was an instrument executed in England in which the consideration money was a large amount stated in pounds sterling and the question came before the Supreme Court, that court (as I think very properly) held that the consideration of the instrument could not be regarded as a money consideration at all, but the instrument must be taken to be a conveyance of property not expressly provided for in the Statute and therefore only subject to stamp duty to the amount of R10. This is inconvenient and is the cause of loss to the revenue. With this view, therefore, of the Supreme Court decision in law, it became necessary that some provision should be made with reference to instruments stated in foreign currency; and in drafting the present stamp ordinance I have adhered to the English law on the subject, and that is expressed in the second clause of the ordinance "that the word 'money,' as used in the said ordinance, shall be construed to include all sums, whether expressed in Ceylon, British, foreign, or colonial currency." Then it became necessary to fix the relative value of our several currencies, and it does so in the same way as does the English law. It says:—

When in any instrument any money is stated or expressed other than in Ceylon currency, the value of such money in Ceylon currency for the purposes of the said ordinance shall be calculated according to the current rate of exchange on the day of the date of the instrument.

Now it may be said that this may lead to some inconvenience. Possibly it may do so at first, but I think that we had better follow the English law on this subject, because we shall then have English decisions upon the law to guide us in the interpretation of the law here. That, then, was where the necessity arose for this amendment. And as the Stamp Ordinance was about to be amended, in this particular it

was very desirable that certain other amendments should be made. One is (and that is only following English legislation) that, where one instrument refers to two distinct matters, it should be treated as two distinct instruments and be separately stamped. Another clause has been added, and that became necessary because of an omission in the original Stamp Ordinance. Although in the original ordinance punishment is imposed for forging and counterfeiting stamp vendors' signatures, there is no provision whereby a common occurrence could be punished, viz. for obliterating stamps so as to prevent it being found out that the stamps had been used before. There is a clause also with regard to altering any instrument upon which a stamp has been placed. With these observations I would ask the consent of the Council to the first reading of this Ordinance.

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

LICENSED BOATS AND BOATMEN.

The Hon. the LIEUT.-GOVERNOR, in moving the first reading of

An Ordinance for the regulation and government of boatmen employed in licensed boats,

said: The object of this ordinance is to protect passengers, principally native passengers going to India, and especially coolies, from the extortions they are now constantly exposed to on the part of the boatmen in the harbour of Colombo. The ordinance would also extend to other places, if needed, but it is especially for Colombo that its provisions are intended. At present it is a common thing for boatmen taking a boatload of coolies to a vessel loading for India, knowing they have money, as soon as they get away from the wharf, to make exhorbitant demands and threaten the coolies, knowing very well that the coolies are in a hurry to get to their native country, and that, although they complain to the people who are by, they will not stay behind to prosecute the people who have levied black-mail upon them. We have tried to put a stop to this practice, but it is practically impossible to do it without we license the boatmen. The ordinance provides for licensing the boatmen, and that the Master Attendant shall keep a register of the licensed boatmen. It provides for certain offences, such for instance as not wearing the distinguishing badge by which the boatmen will be known; and then there is a penal clause in clause 8, enforcing obedience to the ordinance. I think it is a very beneficial measure which will protect the passenger traffic of the harbour in a much better way than hitherto.

The Hon. the QUEEN'S ADVOCATE seconded, and the second reading was fixed for the next meeting.

THE EXPLOSIVES ORDINANCE.

The Hon. the LIEUT.-GOVERNOR then proposed the first reading of

An Ordinance to regulate the keeping and use of explosives.

He said: The introduction of this bill has been rendered necessary by the importation into the Island of a new description of powerful explosives which have been used largely by people who had no conception of the danger to which they were exposed by what they were using. For example, the explosive dynamite has been used very largely in killing fish in rivers, and has succeeded not only in killing fish but also the people who used the dynamite. On another occasion a man tried to kill fish in the river underneath the Panadure bridge, and nearly blew up the bridge with the dynamite. It has been found necessary to legislate as to this dangerous explosive, and the present bill is therefore introduced, based on the Act enforced in England. It provides for the manner in which explosives may be stored; it exempts persons using small quantities for private consumption, and provides for licenses for keeping explosives or their purchase. I don't think we shall do wrong in placing explosives under the same restriction as in the United Kingdom, and I think it is advisable, for the sake of the public at large, that people using and exposing these explosives should be subjected to legislation.

The Hon. the QUEEN'S ADVOCATE seconded, and the bill was read a first time.

THE COLOMBO BREAKWATER.

The Hon. the LIEUT.-GOVERNOR: Before moving an adjournment, I should be glad to explain that a certain number of plans of the Breakwater works necessary for the consideration of Sir John Coode's report have been prepared. I sent a copy last night to the Chamber of Commerce, and I am endeavouring to circulate them as well as possible among hon. members. There are not enough for all the members to have one each, but it can be arranged that all shall see a copy. The report cannot be appreciated without the plans, especially the plan before me now, which gives the whole thing practically in a nutshell and I hope hon. members will contrive to study these plans. The question is principally that of the draft of water at the entrance inside the breakwater.

The Council adjourned at 3.40 p.m. till Wednesday next at 3 o'clock.

WEDNESDAY, OCTOBER 13.

Present: His Excellency the Governor, the Hons. the Lieut.-Governor, the Queen's Advocate, the Auditor-General, the Treasurer, the Government Agent, W.P., the Surveyor General, the Principal Collector of Customs, J. P. Obeyesekera, J. Van Langenberg, P. Rama Nathan, R. B. Downall, F. Mackwood, and H. Bois.

Absent: The Hons. the Major-General, and the Govt. Agent, C. P.

A POINT OF ORDER.

The Hon. H. BOIS: Before proceeding with the order of the day, I should like to ask a question upon a point of order, as I have been unable to obtain information upon the point elsewhere. I wish to ask, sir, if, an hon. member having proposed an amendment, and that amendment having been negatived, it is open to him to propose a second amendment to the same motion provided it is not to the same effect as the one negatived?

H. E. the GOVERNOR: Provided it be not of the same effect as the one negatived?

The Hon. H. BOIS: Yes.

H. E. the GOVERNOR: I am not aware at this moment. I understand that the hon. member is referring to cases in which the amendment has been proposed on a motion and negatived. The ordinary course then would be to put the original motion.

The Hon. H. BOIS: Cannot the same hon. member propose a second amendment, assuming that the second one has a different effect?

His EXCELLENCY: In our standing rules there is no distinct rule on the point. No amendment can be proposed on an amendment, but when an amendment has been disposed of, then the ordinary course is to put the substantive motion to the House. I do not see that a member should be disqualified from putting a second amendment provided the amendment is not put on an amendment, nor put to the same effect or in the same terms as the first amendment.

The Hon. H. BOIS thanked His Excellency.

THE CONSENT OF THE GOVERNOR

to the following ordinances was announced by the Hon. the Lieutenant-Governor:—Nos. 1, 2, 3, and 4 of 1880.

PAPERS.

The Hon. the LIEUT-GOVERNOR laid upon the table the following papers: Administration Report; Miscellaneous; Report of the Postmaster General for 1879.

THE COLOMBO BREAKWATER.

The Hon. J. VAN LANGENBERG remarked that, with regard to the motion of the Lieut.-Governor on the harbour works given in the order of the day, he regretted very much that he should not be able

to take part in a discussion upon it that day. The question was one of great importance to the Colony, and it was very desirable that every member should have an opportunity of expressing his opinion upon the subject. It would be recollected that when notice was given of the motion two weeks ago it was stated that the plans would be circulated among members, as the report was unintelligible without the plans. It was only that morning that he had received notice that the plans would be laid upon the table at 2 o'clock that day, but that would hardly give members an opportunity of properly studying such a very important question. He therefore suggested to the Lieutenant Governor the question whether the debate on the motion should not be postponed.

The Hon. the LIEUT.-GOVERNOR: Sir,—It is a matter in which we are entirely in the hands of the Council. When I stated that the plans would be ready, I misunderstood the Hon. the Surveyor General as to the time it would take to make copies of all the plans. Copies of one of the plans were got ready, and I intended to circulate the original of the most important plan among all the members. It was referred, however, to the Chamber of Commerce, and I did not receive it back till yesterday afternoon. It was therefore impossible to do more than has been done to-day. It is a point on which we are entirely in the hands of hon. members. If they wish to defer the motion I shall be happy to do so. I would wish to remove one impression, however, which has got abroad. This is not a Government motion. It was absolutely necessary, in order that the question might be discussed to-day, that there should be a motion before Council. I therefore brought this motion forward as giving effect practically to the 20th clause in Sir John Coode's report, and I thought the best thing I could do was to put forward such a motion. But as I said, it is a question on which we wish very much to learn the views of the Council, and as to which the Government takes no official action whatever. It is left entirely for the Council to decide and vote upon.

The Hon. R. B. DOWNALL: I think, sir, that if the matter is put to the vote of the Council it will be gone on with to-day.

The Hon. J. VAN LANGENBERG expressed his regret that he was unprepared to take part in the discussion. He had taken some interest in the subject and in the debates on it last session, but he had not been able to look into the plans, and in order to help them to understand the report the plans ought to have been sent to them.

The Hon. P. RAMA NATHAN quite agreed with his hon. and learned friend. If the hon. member was not prepared, by no fault of his own, to deal with a matter which came before the Council, he thought it was but fair that that hon. member should be given an opportunity for expressing his opinion.

His EXCELLENCY: The Government have no desire to press prematurely upon the Council a motion the importance of which can scarcely be exaggerated. The matter which was to be brought forward to-day was brought specially before the Council last session, and as the Council is aware, the opinion expressed in the last session and by the Chamber of Commerce has been sent home and submitted to Sir John Coode. We have anxiously awaited his reply and it was only received recently. Upon opening the present session I stated that the Government proposed to call early attention to the harbour question, and laid upon the table as soon as I could the report of Sir John Coode. There was delay in sending out the plans, I am aware, but it is exceedingly desirable that this question should be settled at a very early date. Upon the decision of the question depends the direction the Breakwater shall take practically, and it is desirable that the decision should be communicated to Sir John Coode as soon as possible. The Government view the discussion as of very grave importance and one we do not desire to force upon the Council against its will, yet we do not want delay if possible. I shall be glad to be governed by the wishes of the majority if the hon. member presses his motion.

The Hon. P. RAMA NATHAN suggested a special sitting on Friday next.

His EXCELLENCY: If that would meet the views of the unofficial members I shall be glad to make that arrangement.

The Hon. R. B. DOWNALL: I can't be here then. I don't see the slightest reason for postponement.

The Hon. J. VAN LANGENBERG deprecated delay as much as anybody, but he asked the Council to take into mind that he had not seen the plans nor read the report.

His Hon. the LIEUT-GOVERNOR: The Chamber of Commerce had them. They could not be in two places at once.

The Hon. J. VANLANGENBERG: We were led to believe these plans would be sent to us.

The Hon. R. B. DOWNALL remarked that some of the members had been present for sometime before the opening of Council and had had Capt. Donnan's professional advice upon the plans. The discussion in the Chamber of Commerce was then quite fresh in their minds (and the opinions of the Chamber they could attach some weight to), and he was in favour of an immediate discussion.

His EXCELLENCY suggested that the motion should be proposed and Mr. VanLangenberg could move its postponement if he so desired.

The Hon. the LIEUT.-GOVERNOR: Sir,—In order to give the hon. and learned member that opportunity, I will move the motion *pro forma*, but in case it be carried that we go on to-day I should like to be allowed to state my views upon the whole subject generally afterwards. I move:—

That this Council, having taken into consideration Sir John Coode's report of the 16th June last, are of opinion that, for the reasons stated by him, the Southern arm of the Breakwater should be continued to the full length of 4,200 feet, this continuation having been shewn to be indispensable for the convenient admission into the harbour of ships of heavy draught.

In presence of the serious expenditure which will be involved by thus extending the work and of the difference of opinion which still exists among persons of local experience whether or not sufficient shelter be provided during the north-east monsoon by means of the single arm of breakwater thus prolonged, the Council are of opinion that it will be advisable to defer the commencement of any work in connection with a north arm, until there has been an opportunity of testing by experience the question whether a north arm is or is not necessary for affording due protection to the harbour.

The Hon. J. VAN LANGENBERG: I move "That the consideration of this motion be postponed till the next meeting of Council."

The Hon. P. RAMA NATHAN seconded.

A division was taken with the following result:—

Ayes.	*Noes.*
Hon. P. Rama Náthan	Hon. F. M. Mackwood
" J. P. Obeyesekera	" H. Bois
" J. Van Langenberg	" R. B. Downall
" Govt. Agent, W. P.	" Collector of Customs
" The Treasurer	" Surveyor General
" Queen's Advocate	" Auditor General
The Lieut.-Governor	
His Excellency the Governor	

The question was, therefore, postponed till the next meeting of Council.

The Hon. the LIEUT.-GOVERNOR [after consulting with unofficial members]: I shall propose, on the rising of Council, that we adjourn till to-morrow at three, so that we may have a special meeting for the discussion of this question.

REGISTRATION OF POWERS OF ATTORNEY.

The Hon. H. Bois: Sir,—As there are several matters which will engage the attention of Council this afternoon, I shall endeavour to bring before you as succinctly as possible the motion of which I have given notice. It is to the following effect:—

That it is desirable to pass an ordinance to provide for the registration of Powers of Attorney and to ask for leave to introduce a bill for the purpose should Government not be prepared to undertake the measure.

I was first of all influenced in bringing forward this motion by inconvenience I have personally experienced from the existing want of registration, but since I gave notice of the motion so many have been to see me about it, and have expressed their approval, that I think the want is very generally felt, and this gives me the more confidence in bringing it forward. I have already read the motion. Some of the reasons for it are these:—First, as it affects land. By the Statute of Frauds and Perjuries No. 7 of 1840 it is provided that no document creating an interest in land, or promising to create an interest in land, shall be of any force or avail in law unless notarial. By the Stamp Ordinance No. 11 of 1861 it is provided that all such documents shall bear an *ad valorem* stamp. Again, by the Registration Ordinance No. 8 of 1863, registration of notarial documents conferring land is rendered compulsory. While therefore an instrument creating an interest in land has to be notarial, stamped, and registered, the power of attorney under the authority of which it may be signed and which gives it all its validity may not be notarial, is not necessarily stamped, and cannot be registered. I have sometimes, when a mortgage or conveyance was being passed, said to the notary: "How do you know that the power of attorney is valid?" He has said: "On the face of it." "How do you know it has not been revoked?" "We don't know it." "Then if the document is passed under that power of attorney, and it *has* been revoked, will the instrument be valid?" The answer has been a hesitating "Yes." I have then said: "In this case how can anyone revoke a power of attorney? The principal may have informed his attorney that the power was revoked, and it may have been advertised in the newspapers, but third parties may not have seen the advertisement." It seems to me therefore that by the law an absentee has no effectual way of revoking his power of attorney, having once granted it. Then as to legal proceedings, sometimes in court an attorney is sued for an absent principal. The judge calls upon plaintiff to show that the party upon whom notice has been served is duly authorized to represent that principal, but there is no way of proving the authorization or of bringing the power of attorney into court; and cases have occurred where an attorney has declined to receive notice, yet a few days afterwards he has made use of his power in order to sue somebody else. I believe it is a frequent occurrence among the chetties up-country. They deny their authority to represent their principal when sued, and yet they produce a power of attorney to sue for money afterwards. Another and minor point which to my mind shows some necessity for registration of powers of attorney is this: the cost of deeds has been greatly increased since the passing of the Registration of Deeds Ordinance, owing to copies of all powers of attorney having to be attached to the deed. For instance, instruments which I have to sign for the firm I represent require nine copies of powers of attorney, and none, as the proctors have said themselves, benefit by it so much as they do. Yet all agree that registration is advisable. What I would propose to do is this, that no power of attorney—by power of attorney I mean any written instrument by which the grantor of it authorizes his nominee to bind him—shall be of any force or avail in law until registered. Once registered, it shall be of full force and avail in law until revoked either by a written revocation by the grantor duly registered, or by the registration of a written renunciation by the grantee, or by its being revoked by the registration of a power of attorney of subsequent date, or by the power lapsing in natural course by death of the grantor or his bankruptcy. I think that if this were done all the difficulties I have enumerated, and many others I could enumerate if there were time, would disappear. In the matter of transfer of land any one would simply have to apply to the registrar for the record of powers of attorney granted by the owner of the land which it was proposed to transfer or mortgage. The index might be extremely simple. All that would be necessary would be a register of the name of the grantor. I think all powers of attorney should be registered in a central office and that the cost should be paid for by a certain fee. When the Land Registration Ordinance was introduced there was a difficulty about centring the registration in Colombo. I believe it was hoped that it might be done, but as a matter of fact it was found to be impracticable. There was a very good reason for this, because the mere fact of registering an encumbrance of land gives it priority over an instrument of earlier date subsequently registered. The case of powers of attorney is different, and it is a matter of comparative indifference whether they are registered according to date of issue or not. I would only make registration compulsory to this extent, that a power of attorney should not be acted on until registered. In this way it would not affect what are called dormant powers of attorney. Sometimes it happens that an absent principal gives a power of attorney which he does not wish acted upon at once or only in the event of a certain contingency. For instance I have had a power of attorney given to me which authorized me to represent a partner in a Colombo firm, so that I could step in and take care of his business if his partners endangered it in any way. It was not acted upon, and it would have been very undesirable that such a thing should have been registered and published. There is, however, really no difficulty about it. A. gives power of attorney to B. and he acts upon it. Subsequently A. gives a power of attorney to C. and authorises C. to act as his representative. Until C. registers that power of attorney, B. continues to act and all his acts are of full force in law; as soon, however, as C. has registered, B. ceases to be the representative of A. This matter has engaged the attention of Council in past years, and I find that in 1874 a bill was brought forward for the registration of powers of attorney and partnerships. The rejection of that bill was moved by the mercantile member of that day and it was abandoned. On reading over the debates it seems to me that all the arguments urged against the bill derived force from the fact that registration of powers of attorney was combined with that of partnerships. I can see no effectual method of registering partnerships. A power of attorney is a written instrument, and registration would confer no authority on it but be simply a registering of it. A partnership is an indefinite relationship not necessarily dependent for its existence on any written instrument at all. There may be partners liable as partners to a third party, although there may be no contract between them. You may be partner with another, in fact an unwilling partner, as sometimes happens in the case of coffee estates. I cannot see how partnerships can be registered, but the same argument does not affect powers of attorney. My object is to show a *prima facie* case. There may be difficulties I have not anticipated, but so far as I can see there are none which are insuperable; the last part of my motion is simply to give effect to the first part. It seems useless to say that it is desirable to register powers of attorney unless the admission is to have some effect. If the motion is accepted on the part of the Council and if the Queen's Advocate is prepared to bring forward an ordinance for the purpose indicated it could not be in better

hands; but if he hesitates to undertake the measure I shall ask the permission of this Council to introduce a bill; and I believe that with the aid of hon. and learned friends in the Council and learned friends outside I may possibly succeed in framing an enactment which may meet with acceptance, and achieve the purpose which I have in view.

The Hon. F. M. MACKWOOD seconded the motion.

The Hon. J. VAN LANGENBERG said that if there had been simply a motion for leave to introduce a bill he should probably have had no objection to it, and should probably have supported it, but he would not like to commit the Council to the statement contained in the first part of the motion, as he was afraid that if they committed themselves to such a statement as that they might be the cause of confusion. The question had occupied the attention of the Council as far back as 1874. A bill was then introduced by the Government upon, as it was then alleged, pressure from the mercantile community. That was laid before the Council for the first time in 1874, but the bill was not passed, in order that the mercantile community might have an opportunity of considering the question. A bill at a subsequent session was introduced as a Government bill by the then Queen's Advocate, but that bill met with considerable opposition on the part of the speaker's learned predecessor, and also the mercantile member. It was considered that vast interests might be prejudiced by the registration of powers of attorney, but he did not wish to discuss the question as to whether it would be prejudicial or not, he only wished to protect himself against an admission that it is desirable to pass an ordinance to provide for the registration of powers of attorney. It might be necessary in some cases, but no deed of conveyance could be registered unless the power of attorney was registered. That was one of the facts referred to by the hon. member. There was provision against executing a deed and having it registered unless the power of attorney was registered. It was not necessary under the local law that deeds should be registered in order to give validity. It was only for the purpose of conferring priority. That was to save fraud by disposing of land, and if a subsequent purchaser registered his deed and if the other was not registered the latter had the right. It must be remembered that they had not only to deal with the interests of the European community, but there were others in the Island, large traders who had businesses, and persons had to deal with those traders. If any person entered into a contract with one supposed to be dealing on his own account, and it was afterwards discovered that he had a power of attorney which was registered, the contracting party would be absolved from liability if he disclosed his power of attorney. It would be sufficient notice to the world that he was acting in a representative capacity. But the mere fact of registration would not meet the objects the hon. member had urged. As to the question to the registrar as to whether he was satisfied the power of attorney was valid the hon. member would still be in the same difficulty as to whether the person actually executed the document in question, and the person presenting it for registration could not make it the act of the principal. Registration would only give notice to others that he was only acting under power of attorney. The hon. speaker knew it was to some extent necessary that there should be registration of a limited class of powers, but what those were it was not necessary to define. If his hon. friend had a detailed measure which he wished to submit to the Council he had no doubt it would be well considered by the Council. The hon. (Mr. Bois) represented large interests, and if he could satisfy the Council that it was necessary for the protection of trade and commerce, his measure would doubtless be accepted. At present he (Mr. V. L.) was only prepared to agree with the second part of the motion, in which the mover applied for leave to introduce a bill or ordinance for the registration of powers of attorney.

The Hon. the QUEEN'S ADVOCATE remarked that the hon. and learned member who had just sat down had to a certain extent anticipated him. He had intended to say that the Government would not offer any objection to the hon. member's introducing a measure of that kind, but it was not prepared itself to introduce such a measure. With reference to the hon. member's motion, the Government was not prepared to accept it in its entirety because of those words appearing in the first part: "that it is desirable to pass an ordinance to provide for the registration of powers of attorney." It might be necessary that some measure should be adopted whereby some powers of attorney should be recorded, but upon the question generally he fancied that when the hon. member came to reduce to writing in the shape of a bill what he wished done, the total impracticability of it would be forced upon him. But the hon. member seemed to assume entirely—and perhaps he might be excused, as he was not a lawyer—that powers of attorney could only be given by writing. Now, powers of attorney were of various kinds, and save for interests in land a verbal power of attorney was as good as any written power of attorney, save and except as evidence. A power might be conveyed by mere words and even by action, because if a man held out to the rest of the world by means of any action or conduct of his, that a certain power had been given to him by another, he had given a power of attorney as good as if it had been written on the finest parchment and signed and sealed. Between the law of this country and the English law there was a great difference. He spoke there with great diffidence, as he was a pupil to Roman Dutch law, but sealing was not absolutely necessary to a deed by that law, whereas the very word deed by the English law imported sealing. Then as to powers of attorney for conveying interest in land, by the English law those powers had to be under seal, the rule being that a person who is giving to another a power to represent him to do a certain act must convey that power by an instrument of equal solemnity as that required to do the act itself, and as land could only be transferred by deed so powers of attorney to transfer lands must be by deed also. But it is not so in this Colony. There is no necessity for a deed, and therefore there is absolutely no necessity that a power of attorney should be in the shape of a deed. Now when they came to the question of registration of powers of attorney what powers were they going to register? It was most difficult to decide. All those questions must necessarily arise upon any bill which might be introduced, and he fancied his hon. friend would find it a most difficult thing to deal with the question, a difficulty which he as one of the law officers of the Crown would not be prepared to undertake, at any rate at the present moment. With those observations he felt sure his hon. friend would feel that the Government was desirous to give every opportunity to him and he was sure any consultation or help on the part of the Government officers or himself would be most cheerfully rendered. There would be no objection to the hon. member introducing a bill, but the Government could not accord with the statement that it is desirable to do so.

The Hon. H. BOIS remarked that he would define a power of attorney as any written instrument under which any person empowers another. He was, however, willing to withdraw the first part of his motion and limit it to the asking for leave to introduce a bill. The first part was not an essential part, that the Council should express an opinion as to its desirability. He then proposed the amended resolution,

The Hon. F. M. MACKWOOD seconded, and the amended resolution was agreed to.

THE ROAD ORDINANCE.

The Hon. P. RAMA NATHAN said that since resolving upon the introduction of the subject of the Road Ordinance into Council, he had learnt some facts which made him believe that much pressure was not necessary on his part to induce the Government to grant a commission of enquiry. He found a motion of a nature similar to his own brought in by the late Mr. Alwis in 1876, but that was based on grounds entirely different from those that would be stated by him presently. Mr. Alwis asked for a revision of the Ordinance, chiefly because the Colony was well provided with "principal" roads and was badly in want at the present day of "minor" roads. Mr. Alwis therefore wished to redistribute the road-tax fund and devote more of it to minor roads than to principal roads. It was then pointed out that there was nothing in the Ordinance No. 10 of 1861, to prevent the apportionment of the fund in the manner indicated. But what he (Mr. R.) now desired to say was never before pressed on the attention of hon'ble members in Council. He did not complain of the road-tax itself, but he thought that the machinery for the enforcement of labour and of the payment of the commutation money needed revision. The whole ordinance was directed to the fulfilment of these two objects. As regards the collection of labour, clause 52 of the Ordinance No. 10 of 1861 prescribed the time and place of attendance to perform the labour. It was very hard for a villager to have to leave his family and travel fifteen miles to do the work prescribed by the District Road Committee. The villager could not return home on the same day from so great a distance. As he had to work for six consecutive days on the task, his family would have to be without his help or protection for all that period. It was practically his banishment from his family for six days. Now this hardship could be mitigated to a certain extent if clause 57 of the Road Ordinance were acted upon. That clause empowered the District Road Committee to pay the labourer on application subsistence money for two or three days and take work out of him for twelve, instead of six, days. He (Mr. R.) had reason to believe that this clause was a dead letter and that in fact District Road Committees avoided entering into an obligation of this sort. A commission, if granted, would be able to inquire and report on these matters. Then, as regarded the collection of the commutation money, payment of it was compulsory, under clause 61, in the month of April of every year. The time for collection ought to fall, not when people were engaged in cultivation, but when they had reaped their harvest. Another matter which demanded the attention of the Council was the unrestrained power of commutation given to the labourer by clause 60. That power injured the labourer and injured the District Road Committee. It injured the labourer in this way. If he, the labourer, was a man of means, the commutation money would be paid when due, but if he was poor and could not pay, as was very generally the case, he would come under the rigorous procedure prescribed for the recovery of the debt, and at length find himself in jail, condemned as a criminal to work with real criminals. Thus the poor labourer, too idle or proud to work of his own will on the roads, because he hoped to scrape up the wherewithal to pay, was sent to jail, under sentence of hard labour, punished so to speak for entertaining a vain hope. His punishment did not help a bit the District Road Committee. District Road Committees were bound under the ordinance to make out a list of those who had commuted to pay and had to pay to Government for the maintenance of the principal roads some two-thirds of the money which they expected to collect by way of commutation. The Government was paid this money, but the District Road Committees never recouped themselves to the full. They could not do it, as he (Mr. R.) had already pointed out. They lost the labour of the labourers sent to jail, and in addition had to pay the Government the defined quota for the principal roads. He would next refer to the evils of the summary process of recovery, under clause 64. As soon as those who had commuted to pay became defaulters, the Chairman of the District Road Committee transmitted an order in the following terms to the magistrate of the district in which the defaulters were:—

It is ordered that the persons whose names and residences are undermentioned do forthwith pay into the Police Court of ——— the respective sums opposite to their names, being double the amount of the commutation due by them for the year ——.

The Police Magistrate on receiving this order issued a warrant of distress, and if sufficient distress could not be had, as was very often the case, the defaulter was sentenced to hard labour and imprisoned for varying periods proportionately with the sums due. The committals in 1875 were 2,566; in 1876, 2,863; in 1877, 3,251; and in 1878 no less than 8,131. These wholesale committals sometimes overstocked the prisons. Mr. Elliott, the Inspector General of Prisons, referred to this in his report dated 15th July 1879. Speaking of the Road Ordinance defaulters in the Jaffna prisons, he said:—

The lock-up return discloses that all sorts of buildings scattered about the Fort, were utilized to supply sleeping room, such as the carpenter's shop, guard-room, "old house on battery," "lunatic cells, "maingate," and even the verandah of Queen's House. . . . . Not one of these buildings I need hardly state has been approved of by the medical authorities or by any predecessor or myself as affording proper accommodation for any class of prisoners.

Mr. Elliott also referred to irregularities which "are sure to creep in" in such wholesale committals. He spoke of mere boys and even children who had not yet lost their first teeth being committed as defaulters, though the ordinance expressly exempted persons under 18 and above 55. He (Mr. R.) had already commented on the injustice of treating civil debtors as criminals, but what was the effect of this treatment of civil debtors on the *morale* of the country? If the lower classes of the inhabitants of Ceylon lacked anything, it was character. It was the duty of the Government to do everything in its power to elevate the character of the people. To remove a horror of imprisonment, to treat civil debtors as criminals, was not the way to teach people to despise crime. Moreover, might he (Mr. R.) ask what the cost of maintaining in prison these road defaulters was to Government? What was the object of imprisoning them? Was it to punish the offenders? If so, did such punishment further the object which the Ordinance had in view, namely to supply the District Road Committee with the necessary funds? Some of Mr. Templer's observations, as chairman of the Puttalam District Road Committee, were very useful. Hon. members would find them at p. 95 of the Administration Reports for 1878. He (Mr. R.) had now stated his views in support of his motion. None of these views were put forward in connection with Mr. Alwis's motion. Mr. Alwis's reason for revision did not weigh much with him (Mr. R.,) for there was nothing in the ordinance to prevent a greater apportionment of the road tax fund to minor roads than, as at present, to principal roads. The Commission he would now move for was to enquire into the present working of the Ord. No. 10 of 1861 in conjunction with the Ord. No. 6 of 1855, and 5 of 1868 so as to report (1) upon the best method of collecting labour and (2) upon the restrained power of commutation and the best method of recovering the commutation money.

The Hon. J. P. OBEYESEKERA, in seconding the motion, had not the slightest doubt that hon

[illegible] with him that it was desirable, [illegible] Commission asked for. The need for [illegible] supply was recognised by Government as far back as 1876, for on that occasion the Government pledged itself to appointing a Commission. The question was introduced by his predecessor, and had been very exhaustively argued by almost all of the unofficial members of the day; the result of that discussion had been the promise to grant a Commission. Mr. Burgh, the then Colonial Secretary, said:—"The Commission asked for would be appointed and would be glad if he would be able to give it. He thought it would be better if the Commission were not examined to members of that Council. He suggested that some of the members be from the Council and some from outside, experienced in regard to the wants of the country as regarded minor roads." His Excellency the Governor, Sir William Gregory, expressed himself to the effect: "He agreed that there was need in the Colony for the extension of minor roads." "Certain specific questions would be laid before the committee for their guidance, and while these queries could be put before different officials who were acquainted with the subject the precise terms of the reference to them would greatly assist the Commission in framing the questions to be put to the witnesses called before them." Those were the lines upon which Sir Wm. Gregory thought the Commission should work. And although discussion there was not appointed shortly after the E. that a Commission would be appointed shortly after the session was over. Sir Wm. Gregory said: "The hon. gentleman (Mr. Alwis) must defer the appointment of the Commission till we get through the business of the Session. I presume that neither he nor other hon. members will have much time to spare till legislative duties come to an end." It was quite clear that it had been the intention of the Government to appoint a Commission shortly after the close of the session. But unfortunately Sir Wm. Gregory left the Island, and the Singhalese representative died shortly afterwards, and there was no action taken in the matter. He hoped the Government would have no difficulty now in fulfilling the pledge made then. He need not enter into the details of the question, as they could be more fittingly brought before the Commission when it was appointed.

The Hon. the LIEUT.-GOVERNOR: Sir,—It does not seem to be quite clear what the hon. members who moved and seconded the motion mean. The hon. and learned member who moved the motion said he did not want to go into the question of minor roads, the object of his motion being really for enquiry into the means by which labour due under this ordinance is enforced and how default money is recovered. I understand that to be the object. [Hon. P. RAMA NATHAN: That is one.] Is it also desired to open up the whole question of the ordinance or merely to consider the working of the ordinance or merely to confine consideration to only one part of it? I am not quite prepared to go so far on all points as the hon. and learned member who made the motion. I don't think a walk of 15 miles is such a very great hardship on a native cultivator in order to perform a duty to the State. Such a walk would not deter him from coming to Court to hear a case in which his thirteenth cousin once removed was interested, and I don't think they should object occasionally to perform that distance. I am not prepared to speak as to clause 87. The motion is so very general in its terms that I had no information as to what particular points the hon. member referred. [Hon. P. RAMA NATHAN: In my speech I referred in detail to every improvement I thought necessary.] But as regards the means by which the labour is enforced, especially the means by which, when a person has undertaken to commute and makes default of that Commutation the law is enforced against him, we are quite at one with the hon. and learned member that the prison system should if possible be amended. It is not advisable, certainly, that a man should be committed to gaol simply because he has undertaken, in the early part of the year to pay a sum of money in lieu of labour, which he finds later on he can't do. If it is possible for the labour to be got out of him it should be done before he is committed to gaol. It somewhat weakens the idea of criminality when he is sent to prison because he can't pay his commutation, and if better means for enforcing this can be devised the Government will be grateful to the Commission. We have made experiments by sending all the road defaulters in the Alutnuwara district to plant trees in the neighbourhood of the lines; to see whether we can enforce labour of that sort outside the prison walls, so as not to mix the defaulters with people who have been sent to prison for theft and other serious crimes. Mr. Elliott has also made a suggestion in one of his Administration Reports that people who undertake to commute and fail to perform the labour should be made to do double labour, and sent to gaol only when they refused to perform the labour in respect to which they are in default. That is a very good suggestion for the Commission. As regards the figures of Mr. Elliott quoted by the hon. member, they refer to a special exceptional year. No doubt Jaffna jail was then crammed owing to the scarcity and distress prevailing at the time which led to general default in payment of commutation. That directed special attention to the question, but the abuse was in a certain extent cured, because there had not been such a difficulty since that time in recovering default from the people. The Government are perfectly prepared to accept the motion in respect to appointing a Commission for the purpose of examining into the mode by which this labour is collected and Commutation enforced, but they are not prepared to do anything to jeopardize the whole working of the ordinance, an ordinance which brings in a good deal of revenue and does a great deal of good. We are not prepared to accept the motion as it stands as we are not prepared to jeopardize a system which perhaps stands in need of amendment but which we are not prepared to abandon. If the hon. member will be satisfied with that assurance we shall be very glad to grant the enquiry asked for. As regards the pledge formerly given by Sir W. Gregory—(I speak now from memory)—I think that was redeemed in this way. The late Mr. Alwis wanted more done to the minor roads, and my predecessor stated at a later date in Council that the Government thought the best relief that could be given to the minor roads would be by taking over a certain number of them. That we have been doing for the last four years, and have so relieved the District Road Committees in the Western, Central and other Provinces. We have taken over about 150 or 160 miles under that system. That is the way that the pledge in reference to minor roads has been met, and I think it the most satisfactory way. To repeat what I have stated, if the hon. member is satisfied with a Commission to enquire into the means taken to collect labour and recover default we shall be glad to agree to that.

The Hon. P. RAMA NATHAN: That is precisely what I want. I said I was not moving for the repeal of the road tax but should confine my motion to two or three matters. As I wound up my remarks, I said I should like the commission to examine into the present working of the Ord. No. 10 of 1861 so as to consider and report, 1st, upon the best method of collecting or exacting labour; and 2nd, upon the unrestrained power of commutation, and the best method of recovering the commutation money.

The Hon. the LIEUT.-GOVERNOR: The motion will be accepted.

The Hon. P. RAMA NATHAN: I thank the Government very much. Of course, we might [illegible] question raised by the

monies ought not to be expended more on minor roads than on principal roads.

The Hon. the LIEUT.-GOVERNOR: I don't think we could consent to that. The Commission need not be composed solely of members of Council?

Mr. RAMA NATHAN: I think not.

SUBURBAN TRAINS.

The Hon. the GOVERNMENT AGENT, Western Province, asked:

On what grounds the Traffic Manager has based his opinion (as stated by the Hon. the Colonial Secretary in the Budget Speech on the 29th September) that in the present condition of the passenger traffic suburban trains could only be run at a loss? and moved for papers. He asked this question because it seemed to him the subject was one of very great importance which affected a very large number of people and those of the poorest class. By using the term "suburban trains" was meant trains running from Colombo into the suburbs but not upon any new line. All that was required was the proper utilization of the present main line to enable the people living at short distances from Colombo to come in early in the day and go home late in the evening. In the present state of passenger traffic on that line persons were absolutely prohibited from using the line in this way. The earliest train reached Colombo a little after eleven, and the lastest train from Colombo left at two o'clock. The consequence was that persons living at short distances from Colombo had not been able to make use of the line. That being so, he thought they should know on what grounds the Traffic Manager had made that assertion. To use the line to come to Colombo meant a delay in Colombo till the next day and led to extra expense, for a 3rd class return ticket was only available for the day on which it is issued. A man living at Kelaniya if the trains were run at reasonable times, would be able to pay 12 cents for a return ticket instead of 8 cents each way, and be would moreover be able to return to his village the same day. It seemed to the hon. speaker that it was very difficult to contrast the present traffic with any anticipated traffic, and that on a matter of that kind there were members of the Council who were quite as able to advise the Government as the Traffic Manager. The history of the question showed them that the railway authorities had for a long time been adverse to running local trains. Several excuses had been given, but on their coming before the Council and being discussed they were found really to be only excuses. It was asserted for a long time that it was impossible to run those trains unless they had a new bridge over the Kelani and double rails: in fact Mr. Leechman's motion in 1877 was thrown out on the latter excuse and the matter was sent to the Secretary of State, who with the assistance of Mr. Hutton Gregory settled that question, and the Colonial Secretary pointed out last session that that difficulty had been got over. He also said: "I believe it will be a great relief to the population living near Colombo and very useful as a sanitary measure, and at the same time will pay." So that in December of last year the railway authorities were evidently under the impression that to run local trains would pay. He was not aware that any reason had been urged since then to show that what would pay then was not likely to pay now. He knew that the Government was bound to a certain extent to follow the advice of its professional advisers, but he thought if the Council had the papers now asked for before them they should be able to show that the advice, although given no doubt most honestly, was yet erroneous, and that they could thereby strengthen the hands of the Government and enable them to discard the opinion given by professional advisers and not act upon it.

The Hon. J. P. OBEYESEKERA had much pleasure in seconding the motion, especially as it affected a large [illegible] be represented. It really appeared very strange that when a motion similar to that was brought forward last session by the hon. the Government Agent, W.P., there was no objection raised by the Traffic Manager or the Government to the running of suburban trains on the score of expense. The objection then raised was that it was impossible to do so in the absence of a double bridge at Kelani. Now that that difficulty had been overcome they were met with another argument. It really looked as if the Traffic Manager had set his face against running these trains. Otherwise he (Mr. O.) could not reconcile his present opposition to the line of argument adopted by the Traffic Manager on a former occasion. The hon. member was not prepared to say whether the trains would pay or not, because he had no data at hand to go upon, but from what he knew he considered it quite probable there would be no loss whatever by running those trains. He knew from personal experience that there were thousands of people living within a radius of seven or eight miles of Colombo whose occupation was to bring the products of their vegetable gardens and betel enclosures to market, starting at 5 o'clock in the morning and leaving Colombo at about dusk in the evening. Now the hours at which the trains left Colombo and came to Colombo from Kandy were such as prohibited the use of railway facilities by the people he had referred to. If two additional trains were run, one starting from, say Veyangoda, at an early hour and another returning from Colombo at a late hour, he thought the returns from these trains would be as much as is now obtained from the third-class passenger traffic on the whole line. Under those circumstances, he should be glad to be furnished with the reasons of the Traffic Manager, which must be some what extraordinary.

The Hon. J. VAN LANGENBERG said that his hon. friend the Government Agent, W.P., in putting the question in the form he had done in asking for papers had adopted a very wise and moderate course. There was something much more behind that motion than a simple call for papers. It was unnecessary to discuss the desirability of running trains between Mahara and Colombo. The question had occupied the attention of the Council at the last session, and a definite and substantive resolution was adopted. The question was fully gone into, and the discussion was to some extent stifled by the Government Agent, W.P., to this effect:—"That in view of the opinions expressed by the Consulting Engineers to the Ceylon Government regarding the practicability of running additional trains for local traffic on the single line of railway between Colombo and Mahara (see Sessional Paper XLVI, 1879), arrangements should be made without delay for opening three or four stations at suitable points along the line and for running at least two additional trains (up and down) in the morning and evening." That was the resolution proposed and considered and adopted by the Council. That being so, he considered that the stage for discussion had passed; all that was necessary for them then was to ask the Government to give practical effect to that resolution which had been adopted. His Excellency the Governor, in opening the Council this year had made no reference to the non-intention on the part of the Government to carry out the resolution adopted by the Council. It was only when the Lieut.-Governor introduced the Supply Bill that they were informed that they would have to wait for better times for those trains to run. That was said to be adopted because it was the opinion of the Traffic Manager that those trains would not pay. Now, a statement of that kind coming from an official would not be allowed to cause that Council to reverse the resolution adopted by it previously. It was not for him (the T. M.) to repeal a resolution of that Council. The Council decided that it should be so, and he submitted, with all due deference to the Government, that effect should

b' given to that resolution. He declined to enter into a discussion as to whether the trains would pay or whether the Traffic Manager was right in his conclusions, or whether his data were good or not. They had done all that; they had considered all those questions, and it was not to be permitted for any officer to come between the Council and its solution, and say it was wrong and that the trains should not be run. It was not a very dignified position. They as members of that Council had few privileges, and not the least of them was the right accorded to them in 1871 to appropriate in the manner they considered best the surplus funds of this Colony. They had exercis d that right, and His Excellency would see the terms upon which the re- solution was adopted last session. The Hon. the Colonial Secretary said: "I think that I shall be able to give a most practical answer to the motion by the bill I shall bring in to-day for the appropriation of surplus funds for, among other purposes, providing for the necessary stations to accommodate the local traffic to which this motion refers. No doubt there was some apprehension some time ago that this local traffic could not be run on the present single line, but that has been got over, I think, and no doubt we can utilise the line to a greater extent than it is used now. Of course the principal thing is to get the stations built, and for that I shall ask the Council to sanction the provision to-day." That sanction was granted for the running of the trains and a vote from the Council was obtained. Now they heard that nothing was to be done and that really the resolution was not to be given effect to. The Colonial Secretary had said he believed it would be a great relief to the population and would pay. In matters of railway extension it had been usual to find out first whether the line would pay. That question was put to the test and they had the admission of Government that those trains would pay. After that there was certainly no need for reference to local authorities to determine whether the Council had acted rightly or wrongly in the exercise of its judgment and discretion. The vote was applied for by Government and granted, and that vote must have practical effect given to it. The agitation for suburban trains emanated from the Municipal Council, of which the hon. member, the Government Agent, W.P., was the Chairman. The need for trains was pressed upon the Government also at the instance of a large number of people who lived a few miles from Colombo. The interests of a large number of people had to be consulted, and those interests were very properly and constantly watched over by the Government Agent, who for the interest he had taken in the subject deserved the thanks of the people not only in his position of Government Agent but also as Chairman of the Municipality. There really was nothing more to be done when the resolution was adopted by the Council. He did not think it would be at all dignified to enter into the question whether it was desirable to run trains, as that had been decided by the Council. It was only common to the Council to give effect to its resolution. He would take very high ground indeed in regard to that question, his stand being that not to carry out the resolution would be a violation of the constitutional rights of the members of that Council. He considered that the Government could not fairly and justly recede from the position it occupied at the last session, when after mature deliberation and consideration the Government thought the measure would be a relief to the people and would pay. The hon. the Government Agent had gone so fully into the difficulties and inconveniences of the people during the last session that the hon. speaker did not consider it necessary to speak further as to them; indeed His Excellency had fully pointed out the desirability of the subject in his despatch. While he supported the resolution he would press on Government that it was but right that the trains should be run as promised. As to time and number of trains, that might be left to the Government to determine.

The Hon. the LIEUT.-GOVERNOR: I lay upon the table the report of the Traffic Manager giving his reasons for not considering what he calls suburban trains will pay. It will be seen from it that the Traffic Manager is quite prepared to meet what was asked for by the hon. the Sinhalese member by running an early train from Veyangoda to Colombo and an afternoon train to Veyangoda, and possibly two other trains, but probably it would be better that the two trains should be tried first. I will communicate with the Traffic Manager, and see it is carried out as soon as it can be done. The hon. and learned member who last spoke has raised a rather more important question, and as I should be sorry for the Council to feel that the Executive Government was interfering with its privileges, I should like to explain what has led to delay in carrying out the wishes of the Council has been a doubt which arose whether the surplus funds as voted would really be available. I know that the Council is somewhat exacting as to its privileges on this subject, and therefore I should be sorry if an impression should go abroad that we are infringing its privileges. Those funds are disposed of by the Legislature upon a statement from the Government that there is a certain amount of money available. We put before the Council a statement prepared by the Auditor General showing that a certain amount of money was available and of that we appropriated R700,000 odd, but I may say that the greater part of that has been spent. The renewal of the Kelani bridge could not be postponed, nor the renewal of the two and a quarter mile bridge. They have both been ordered out, and may soon be expected. But as the year drew to a close we became very nervous as to whether the statement we had made to the Council that a large sum of money was available for appropriation could be still altogether relied upon: that it is to say whether a deficit accruing from the transactions of last year would not result in sweeping away a considerable portion of that sum. In order to carry out this convention (as I should call it) with the Secretary of State, I remember when I first came here that Sir Hercules Robinson instructed me to prepare the statement of the funds available for appropriation, and he spent weeks in going over the statements, and charged me to never let any doubt exist as to the amount available; never to let any Government official charge us with violating the conditions on our side; that is to say that we had, in addition to meeting our liabilities, a surplus of £50,000 available as reserve. As I have already mentioned to the Council in bringing forward the budget of the current year, if it had not been for the casual receipt of £698,000 which came into the Treasury under rather special circumstances, we should have had a deficit last year which would have swept away a very considerable portion of the surplus we had informed the Council they could deal with. I don't think, therefore, there was any violation of the privileges of the Council if we paused for a time to make practical use of that money which we said was available. And indeed, from the nature of manipulation of the accounts at the stores, I am not even now prepared to assure the Council that the whole of that money was available. As I have explained, it is not that we wish to interfere with the rights of the Council, but that having assured the Council that a certain sum of money was available, and having found that possibly a considerably less sum was available, we have had to postpone such things as could be postponed. I don't think the Traffic Manager

even now will say that additional rolling stock is absolutely necessary for trying the experiment. I have been very anxious for years past that the experiment of running trains to Veyangoda should be tried and I hope we shall do it without trenching on the vote taken for it. I shall be glad to reserve my remarks as to the surplus funds until I can go thoroughly into the accounts, and as soon as I can do so I shall be prepared to state whether the whole of the money voted last year could be appropriated, having regard to the reservation of £50,000. It is only by keeping that pledge that we can appropriate these balances.

WATER SUPPLY FOR NUWARA ELIYA.

The Hon. R. B. DOWNALL then introduced the following resolution:—

That in the opinion of this Council it is desirable that a good water supply be at once procured for Nuwara Eliya as recommended by the Sanitary Commission of 1877, and to call for papers.

He said that in bringing forward that motion last session there appeared to be no papers on the subject. He was aware that a good deal of correspondence had since then passed with the Assistant Government Agent, who was in favour of carrying out the recommendations of the Sanitary Commission. Since March 1877, he was not aware what had been done towards getting that water supply which the Commission recommended should be provided with the least possible delay. Three and a half years had passed, and he was anxious to learn what steps had been taken. The hon. the Surveyor General would bear him out as to the great necessity that existed for a good water supply. It was perfectly impossible for the Local Board to do it, as it had not got the funds, and he maintained that the water supply should be provided by the Government, as Nuwara Eliya was the Sanitarium of the Island. One side of the town was fairly supplied, but the other side, including the native bazaar, was only supplied with the impure liquid running in the stream. It was unnecessary to go into the question, because they were aware of the disgraceful state of the river. The importance of Nuwara Eliya increased every year and had increased very much lately, having been opened up by a main road to Dimbula, while the opening of the Nanuoya railway would still further increase its importance.

The Hon. H. BOIS seconded.

The Hon. the LIEUT.-GOVERNOR: We are quite at one with the hon. member as to the desirability of giving Nuwara Eliya a good supply of water, and after the question was brought forward before the Council last year plans and estimates were sent in something on the scale intended by the Commission, but the cost was found to be prohibitory. A less ambitious plan was then called for, to throw a good supply into the bazaar, and it was prepared, I believe, under His Excellency's personal supervision, and an estimate for R8,000 supplied. Had it not been necessary to cut down so many desirable works for the current year this work would have been brought forward. Nuwara Eliya is not a very large town. For instance we have an application for a water supply for Badulla, which is three times larger than Nuwara Eliya. That has been deferred for financial considerations; and it is not quite correct to say that the people in the bazaars of Nuwara Eliya have no good water available for them. It is quite true that the water in the river is very dirty and unwholesome, but there is also a water supply brought past Keena Cottage to near the bazaar where the people can get good water, and I believe that the Local Board has forbidden washing near the spot, so that fair drinking water is available for any person who cares to send for it. I merely say this to show that the question has been considered, and I assure the hon. member that the only reason the work has been deferred is the same as that for which other works such as the irrigation at the Kala-bala-wewa Tank in the N. C. Province and many others in which the Government take a great interest have had to be postponed. If the hon. member strikes out the two words "at once" there will be no objection to his motion, but I must say that we are not prepared to carry out this work until we are enabled to do several other works of more pressing importance.

The Hon. R. B. DOWNALL said that it seemed to him that such a small sum as R8,000 might have been found for such a work. It was not at all a similar case to irrigation works. In Badulla, too, they had a better supply of water than Nuwara Eliya. Unfortunately he had brought that motion to their notice in two sessions and now he found that during this session it would not be taken up, although the Sanitary Commission recommended it three years ago. It should have been commenced within three years of such a recommendation. No doubt the Commission would not have been appointed if a Chief Justice had not died there. No high official had suffered from bad water since then, and so the report and recommendations had been paid no attention to. He did not see the use of Commissions if such recommendations were not attended to. In the report of Mr. Cameron, he said the urgent need of a supply of water had been again brought before the attention of Government. The importance of the subject was so great that he could not agree to strike out from his resolution the two words, as he considered them very important to make the resolution worth anything.

H. E. the GOVERNOR could assure the hon. member it was not through any opposition to the recommendation of the Sanitary Commission that the work had been deferred, but simply from financial considerations. As to the reason for not taking it up before, he would say this: most of them knew Nuwara Eliya better than he did, but he thought they would bear him out that the *general* water supply was very ample. At the bazaar it was possible to get water at about 50 yards distance. He confessed he could not prefer the claims of a population of 300, who after all had to go only 50 yards for water, whereas here in Colombo they had to go oftentimes a quarter of a mile for good water. He could not accede, he was sorry to say, to the hon. member's motion. He was perfectly willing to authorize the work and should have authorized it this year if works be considered more important and more requisite for the health of the general community had been provided for. He could not advise the Council that the claims of Nuwara Eliya for a water supply was paramount to all the other claims upon the Government.

The Hon. R. B. DOWNALL corrected the statement which His Excellency had made that good water could be obtained at 50 yards from the bazaar. They would find it was more like 500 yards. The water referred to by the Hon. the Lieut.-Governor was anything but pure. The sum was a small one, and it was perfectly absurd to have a place called a Sanitarium polluted by filthy water. He lived, unfortunately, on the side where there is no water, and had to send half a mile for it.

The Hon. J. P. OBEYESEKERA, as it was rather late, then moved an adjournment till the following day.

Hon. P. RAMA NATHAN seconded.

On the Hon. the LIEUT.-GOVERNOR pointing out that it was desirable to carry out the order of the day if possible, the motion was withdrawn.

The Hon. the SURVEYOR GENERAL said that as Chairman of the Sanitary Commission he considered the water supply of Nuwara Eliya most defective and had strongly recommended a proper supply of pure water to be provided. It was true that water could be obtained from some streams, but these became polluted by people performing the functions of nature on their banks, and without getting a supply at a sufficient height it would be impossible to get pure water. The members of the Commission had gone to every hut in the town, and found impure water used generally.

The Hon. the GOVERNMENT AGENT, W. P., said he should have reason to oppose not only the original motion but also the amendment, because he trusted that such a motion would never be passed by the Coun-

cil until the claims of other Local Boards, of towns of very much greater importance than Nuwara Eliya, were carefully considered. He did not think that to carry the water even 500 yards was a great inconvenience. Water might be sold, just as it was at Negombo. That town could bring forward many works of which it could be well said that they were very desirable. He should be sorry to see any such motion accepted by the Council as it might possibly be held hereafter to give the work specially referred to preference to others more important.

The motion was then put to the vote with the following result:—

Ayes.	*Noes.*
Hon. F. M. Mackwood.	Hon. P. Rama Nathan.
,, H. Bois.	,, J. P. Obeyesekere.
,, R. B. Downall.	,, the Collector of Customs.
,, J. Van Langenberg.	,, the Gov. Agent W.P.
,, the Surveyor General.	,, the Auditor General.
,, the Treasurer.	,, the Queen's Advocate
	,, the Lieut.-Governor.
	His Excellency the Governor.

The motion was accordingly declared lost.

The Hon. R. B. Downall obtained permission to postpone the next motion, regarding a Police Magistrate for Nuwara Eliya.

LICENSED BOATS AND BOATMEN.

His Hon. the Lieut.-Governor moved the second reading of

An Ordinance for the regulation and government of Boatmen employed in Licensed Boats.

He remarked that he did not think that was a bill for a special committee, and he thought they could take it in committee of the Council at the next meeting. In committee he should have to propose the insertion of the word "passenger" before "boats." The ordinance was intended to apply to passenger boats only, and the omission of the word "passenger" had been pointed out by the Wharf and Warehouse Company. He now proposed that it be read a second time.

The Hon. the Queen's Advocate seconded, and the bill was read.

THE EXPLOSIVES ORDINANCE.

The Hon. the Lieut.-Governor: I shall be glad to defer the second reading of the Explosives Ordinance. I have received some observations upon the ordinance suggesting alteration, and I shall defer it till next meeting with your permission.

THE STAMP ORDINANCE.

The Hon. the Queen's Advocate moved the second reading of this bill, and it was referred to a sub-committee consisting of the Lieutenant-Governor, the Queen's Advocate, the Treasurer, Mr. Van Langenberg, Mr. Bois and Mr. Mackwood.

THURSDAY, OCTOBER 14.

Present:—His Excellency the Governor, the Hons. the Lieut.-Governor, the Queen's Advocate, the Auditor-General, the Treasurer, the Government Agent, W. P., the Surveyor-General, the Principal Collector of Customs, J. P. Obeyesekera, J. Van Langenberg, P. Rama Nathan, R. B. Downall, F. Mackwood, and H. Bois.

Absent:—The Hons the Major-General, the Government Agent, C. P.

THE COLOMBO HARBOUR.

The Hon. the Lieut.-Governor: I would remind hon. members of the notice I gave yesterday week, that I propose on Wednesday next to move that the Council go into committee of the whole Council upon the question of the revised education code. I shall merely move a formal notice expressing the concurrence of the Council in the code with a view to enable hon. members to state their views generally, upon it. In moving that the Council resume the consideration of the motion I read yesterday (and which there is therefore no need to read again) I would remind hon. members of the position in which we exactly stand. Just a year all but a week ago the Council was called upon to consider a large scheme for the Colombo Breakwater which was submitted by Sir John Coode and which scheme was a good deal like what is called design B, now before us. The Council was then of opinion that it was not desirable that any larger sum than £800,000 should be spent on the Colombo Breakwater, and for that reason it was recommended that a resolution to that effect should be sent back to Sir John Coode, and that practically he should be asked to give us the best scheme he could for the money we were prepared to spend. We did not definitely guard ourselves against spending a larger sum of money, but merely expressed a wish that if any larger expenditure were necessary no design should be adopted without first coming to the Legislature to see if we were prepared to bear the cost. Well, sir, we have now the report of Sir John Coode in which he speaks of a smaller scheme which could be done within the limit which the Council then put forward. Sir John Coode objects, however, to the scheme because the entrance to the harbour would be inconveniently situated near the Isaure Rock; and he considers that this position would altogether damage the utility of the harbour. He also considers that the depth of water at the entrance is safe neither for large merchant steamers nor for the larger men-of-war that might come to Colombo. He also considers that the northern arm will be necessary to protect the harbour not merely against the N. E. monsoon but also against (I may call it) the swirl of the waves of the S. W. monsoon which he considers will double round the end of the southern arm and disturb the tranquility of the water of the harbour unless protected by a northern arm. As regards this last objection I speak with some diffidence on a point on which such a high professional authority has given his opinion, but at any rate we have before us the experience of the breakwater as far as it has already gone. The part of the harbour protected by this portion of the breakwater lies nearly under my office window and I have almost daily watched it for several years past, and I have no doubt that, at any rate so far as the breakwater has gone, there is no ground for such apprehension. You may draw a line in one particular direction from the end of the breakwater as far as it has gone, and within that line it is perfectly calm, but there is no such circling of the waves round the end of the breakwater as Sir John Coode apprehends. Of course I don't pretend to speak as to whether that will be the case later on when the breakwater gets farther out, but certainly as far as the breakwater has gone at present it is palpable to any one who cares to look that you may draw a line from the end of the breakwater, and inside there will be perfect protection while outside there will be no protection. This report of Sir John Coode has been sent to the Chamber of Commerce, and the report of the Chamber I received this morning, and have had it printed and circulated. The expression of opinion in that report is that the smaller scheme which Sir John Coode speaks of should be adopted, and that the Chamber is not prepared to recommend any larger expenditure than £800,000 on a breakwater for Colombo. The authority of the Chamber is no doubt very considerable, and one would hesitate somewhat to gainsay it. But I must say that I cannot concur in the proposal that we should adopt that smaller scheme which Sir John Coode has not recommended. And my reasons for not following the Chamber are somewhat additional to those expressed by Sir John Coode. In the first place I do not think that this scheme gives sufficient breadth of harbour to enable long ships to enter and pull up without running on the opposite side. The depth from the entrance to the harbour

to the space where the dredging ends, and where there is insufficient water for the large steamers, is only 2,000 feet. Now a large steamer 400 feet long entering this narrow passage between the northern and southern arms would have to do so, if there were a heavy wind blowing, at a considerable speed, at four or five miles an hour, in order to keep steerage way on. I would ask hon. members is it possible when the steamer had got inside the breakwater to pull up within that space? Being 400 feet in length she would therefore have only sixteen hundred feet to stop her speed and pull up to anchor. I cannot believe myself that it will be possible for long steamers to pull up in safety in so short a distance. That is one objection. My next objection is to the position of the opening which is left between the northern and the southern arms. The wind and the sea which we have principally to contend against in the north-east monsoon is from the north and north-west rather than from the north-east. The Negombo point lies north of Colombo, and the consequence is that the wind and the sea which come in the north-east monsoon are usually set round to the north-west direction. Therefore anybody who takes the trouble to look at this plan and the direction in which this opening is made will see that it allows full and free access to the north-west sea running into the harbour. I do not think that adequate protection will be afforded to the main body of the harbour by such a scheme. Then again this entrance is in the teeth of the wind for sailing vessels requiring to leave Colombo. Sailing vessels will have to warp out. No doubt they *can* do it. But they will have to warp out or else we shall have to supply a steam tug to take them out. That again is a serious matter and would involve considerable expenditure. The last objection I have is a somewhat technical one upon which I speak with some diffidence, but it is really a matter of ascertained fact. We find that at present on the breakwater—as far as it goes—there is no silting inside to speak of, but the waves as they curve round or pass the end of the breakwater have the effect of heaping up a small spit of sand. Now that is a small thing if the termination of the breakwater is left clear in the open sea and you have no obstruction near it, but I can easily imagine that if you have two such ends of a breakwater only 600 feet distant, and if you have a spit at each end, you will very soon have a bar which will further reduce the depth which Sir John Coode has already said is insufficient. I think that is of very great importance and a matter which should be strongly pressed upon Sir John Coode. I am not speaking of mere theory, but of what has occurred in Colombo and is occurring daily, that this spit forms, and at the mouth of a closed harbour it will cause very serious drawbacks. The spit forms in the S.W. monsoon, and during that monsoon it cannot be removed at the entrance. It is for these reasons, sir, I shall not be prepared to waive the motion which I have brought forward in favour of the proposal which the Chamber of Commerce recommends, however much I feel that their recommendations are entitled to every consideration. Then, sir, as regards my own motion—as I have already stated—it was put forward based on the 20th paragraph in Sir John Coode's report, mainly, in order to give something to discuss. It was my own opinion at the time that I brought it forward, but even I was by no means prepared to say that after discussing the question with other hon. members and nautical authorities here, I should be prepared to stick to the motion, and the reason why I am not willing to press it against any amendment which will offer any superior advantages is because to a certain extent the premises on which I based my motion have been cut away from it. The motion is grounded upon "the difference of opinion which still exists among many persons of local experience whether or not sufficient protection will be provided during the N. E. monsoon by a single arm of the Breakwater." Of course hon. members are aware that there are gentlemen of local experience who do not think that if you give a good southern arm a northern arm will be required. But I find on referring to those gentlemen that they are not by any means satisfied that the southern arm as designed in plan B goes far enough to afford any protection against the north-east monsoon and against the 'long-shore winds; in fact that they think that unless the arm is prolonged for about 800 feet protection would not be afforded at all. But to prolong that arm would be a very costly affair, because it would have to be prolonged into 40 feet of water, where of course its construction is most expensive. That, as I say, sir, is one of the premises upon which my motion was based. I think it only right to explain this fairly and frankly to the Council, because I have only brought forward that motion to-day in order simply to test their opinion. And then also, sir, in case this arm be carried as shewn in plan B, and we found that it was necessary to construct a northern arm, I am not at all prepared to say that the plan will not still be open to the two objections which I have already stated as being applicable to the smaller scheme, that is to say, the outlook of the harbour is the same as in the smaller scheme as being still exposed to the action of the 'long-shore wind and the 'long-shore waves, and further you will have the same danger of a spit forming at the ends and therefore forming a bar to a certain extent closing up the entrance to the harbour. That I think is a very serious consideration, and it therefore shakes my confidence very much in the motion which I have brought forward. I hope we shall hear from hon. members a very full expression of their opinion such as will enable us to come to some definite understanding. But, before concluding these remarks, there is just one point I should like to refer to. It is concerning a statement of Sir John Coode that the cost of the breakwater has been enhanced by the employment of prison labour. I think we should be quite clear about that. Possibly Sir John Coode was acting on a report of Mr. Kyle's of a not very recent date. Mr. Kyle was at the outset very much pleased with the prison labour and for some years continued so. But at one time Mr. Kyle was not satisfied, and the Government took steps to give better superintendence to the prison labour with a view to making it more effective. And I believe I am now correct in stating that Mr. Kyle is quite satisfied with the way in which prison labour is given and with having such a handy force at his call. There is no desire on the part of the Government to make the breakwater more expensive by means of using prison labour, and of course, if Mr. Kyle is able to show that the work of the prisoners is more expensive than the work of free labourers, it will be merely a matter of accounts, reducing the present cost of labour so as to bring it to the cost of free labour. I do not think, however, there will be any occasion for that. I am only sorry that we cannot have the advantage of Mr. Kyle's presence to-day. He has been struck down by sunstroke in the performance of his duty—a duty which he has discharged with great ability and with fidelity to the Colony.

The Hon. the Queen's Advocate seconded the motion, remarking that at that stage of the debate it was unnecessary for him to enter upon any discussion of the matter until he had heard the opinions of those better able to arrive at conclusions upon the subject. He therefore formally seconded the resolution.

The Hon. R. B. Downall begged to propose an amendment:

"That in the opinion of this Council the Colony can only afford to become liable for £800,000 for the purpose of completing the Breakwater or Harbour Works.

That the smaller scheme with a northern arm as shewn in drawing No. 2 does not appear desirable, inasmuch

as it would debar further extension at any future time should increased trade demand it and for other reasons stated by Sir John Coode.

That the finances of the Colony and estimated revenue to be derived from the port do not admit of carrying out Sir John Coode's scheme according to design B—the estimate for the scheme being £1,063,153.

That the scheme known as "Col. Fyers' scheme" appears worthy of consideration for the following reasons It is estimated that it can be completed for the amount available (£800,000). It appears that it will afford sufficient shelter and safe anchorage for the present requirements of the port, also that it can be extended by the construction of a northern arm at any future time should the funds of the colony be available for the purpose and increased trade demand it.

And the Council do recommend that Col. Fyers' scheme be submitted to the Consulting Engineer accompanied by any remarks the Resident Engineer, M. Kyle, may have, to make on the subject.

He was aware that it was hardly to be expected that such an amendment should come from him as representative of the planters, but he hoped that he might be excused for following in the steps of his predecessor who brought forward a resolution in the first debate on the subject in 1871. He only regretted that he was not possessed of the same professional knowledge and ability as his predecessor, so that he might be able to do justice to the subject. There was one point he should like to draw the attention of the Government to before discussing the amendment and that was that an idea had got abroad that instructions had been sent to this Government to carry out if possible the extended scheme. He believed that the instructions sent were those contained in the Secretary of State's despatch No. 82 of 5th August 1880: "The decision as to the form which the work is now to take rests with your Government."

H. E. the GOVERNOR: No other instructions on this question have been received by me excepting those which have been printed and laid before the Council.

The Hon. R. B. DOWNALL thanked His Excellency for the explanation, which entirely bore out his own views on the matter, and continued that there was also another point not referred to by the Lieutenant-Governor in proposing the resolution, but which was made something of in the resolution by the Chamber of Commerce and that was that Sir John Coode had been instructed by the Home Government to propose a larger scheme so that ironclads could be admitted into the harbour. That was also a question which could very well be asked that day so as to put to rest for ever the idea he had spoken of. The limit of expenditure was, he thought, the principal point in the amendment. £800,000 was what was fixed during last session. In 1871, in Mr. Harrison's speech the amount referred to was £600,000, but in prophetic words he (Mr. H.) said:—"It is right that this Council should place some limit upon the expenditure they would sanction: A sum should be introduced, or we may find that the work, instead of costing £600,000, may amount to £1,200,000." In nine years they had increased that £600,000 by one-third, in 1879 Sessional paper No. 43, the Chamber of Commerce mentioned £650,000 sterling as the amount that the Colony could afford and the sum contemplated. This, however, had been increased to £800,000 and he hoped they would now pass the amendment expressing their opinion that they could afford that sum and no more, and that steps would be taken by the Resident Engineer so that the expenditure should be kept down to that amount. The estimate of revenue from the port dues in 1871 was also worthy of notice. The estimate then proposed to be raised to meet interest was £32,000 per annum. He noticed that last year the amount was estimated at R355,368, so that in point of fact they were not now able to show better figures than nine years ago. That was a very strong reason why they should limit the expenditure. That sum of R355,368 provided only for interest on capital, and the sinking fund had to be provided out of general revenue. The time required for the construction of the work was referred to forcibly by Sir Coomara Swamy in 1871. He said, "but before it is undertaken it should be placed beyond all doubt that it would give us a 'secure, spacious and still harbour,' that the cost will not exceed £600,000 or thereabout, and further that it can be completed soon and that its construction will not be made to extend over the next fifteen or twenty years." The work had already extended over five years and he was informed that it would be May, 1882, before the work was completed up to the point where it would really have to be decided which way the extension was to go. Sir John Coode's letter of 30th Sept, 1878 addressed to the Crown Agents, mentioned eight years from that date as the time necessary for completion, so that he was afraid there was a chance of the time mentioned by Sir Coomara Swamy being taken up. Of the schemes laid before them and which they had been considering the day before and previously, the most important was scheme B. In the despatch from the Secretary of State, he referred to Sir John Coode's report on scheme B, and said it was "entitled to great consideration." That scheme had been considered and the estimated cost was considerably more than they were prepared to agree to. There were several points he trusted would be explained by the hon. member (the Surveyor General) who was well acquainted practically and professionally with the scheme he (Mr. D.) proposed should be considered that day. One was that it was necessary to have the scheme B, in order that perfect stillness might be provided inside the harbour. The Master Attendant of Colombo pointed out that perfect stillness was of less importance now that the jetties are abandoned. Therefore he (Mr. D.) thought that the great advantages to be gained by perfect stillness need not be further considered, "for it is a question whether it is a matter of such importance as to justify the very large additional expenditure on the construction of a north arm." (Mr. Herbert's letter to Crown Agents, 19th Dec, 1880.) As to further extension of the harbour, he thought it was very desirable that they should not be hampered with a plan which dealt with finality, but should have one which could be extended provided it was required. In paragraph 7 of Mr. Herbert's despatch of 19th March 1880, he said:—"I am to state that while Sir Michael Hicks-Beach presumes that that breakwater, so far as it is continued in a north-westerly direction, is the most costly part of the work, and although the Colombo Chamber of Commerce express an opinion that an area of 400 acres would be sufficient for probable future requirements, yet he entertains grave doubts as to the wisdom of taking any steps which would interfere with an extension of the harbour in future, if that should be found expedient." If they committed themselves to recommendation of drawing 2 they would commit themselves to what was condemned by the present Secretary of State and his predecessor, and they would interfere with the extension of the harbour in the future should it be necessary. Then as to another point discussed. If the B, scheme were curtailed because they could not afford more than £800,000, Sir John Coode thought it would irretrievably ruin the approaches to the harbour. That was the reason why they should not adopt scheme B even supposing they spent their £800,000 upon the southern arm. Then the point of sanitation was referred to in Mr. Herbert's letter of 19th March 1880. Sir John Coode alluded to the expenditure having been limited to £800,000 in accordance with the resolution passed in that Council last year and upon the view of financial considerations Sir M. Hicks Beach was "not prepared to urge upon the Government of Ceylon any further expenditure which

cannot be clearly shewn to be necessary for the utilization of works already undertaken consistently with the preservation of the sanitary condition of Colombo." He thought there was no doubt that if the scheme he proposed by his amendment should be forwarded to Sir John Coode and be eventually carried out there need be no fear for the sanitation of Colombo, and the good character this port held now would be still maintained by not having a close harbour. In paragraph 3 of the letter from the Crown Agents on the 24th June 1880 they wrote:—"There seems therefore to be no avoiding the alternative, either of incurring the increased expenditure required for the completion of the work on design B, or of adopting Sir John Coode's recommendation, and completing at present only the south-west arm according to that design, postponing for the present the execution of the north arm." The object of that discussion would be, he hoped, to recommend an alternative in Col. Fyers' scheme. He (Mr. D.) did not give his opinion as to whether one scheme was better than another. There was one question raised by Sir John Coode that if the northern arm was not completed there would be considerable disturbance during the N. E. monsoon. That had been referred to by the Lieut.-Governor, and the hon. speaker trusted that they would hear the opinion of the Surveyor General on the point afterwards. As to the depth required in the harbour, he thought it should be kept in mind that the depth of the Suez Canal was 26 feet, and they could hardly suppose that much larger steamers than that could now come through the Canal would frequent the harbour; he thought therefore that 26 feet would be quite sufficient for the harbour and Colonel Fyers' scheme allowed for 35 feet. He had been informed the day before that one steamer had come here drawing 24 feet, but that was an exception. Another point referred to by the Lieut.-Governor was the distance in which a ship could pull up before she got into shallow water. The distance, as shown by the smaller scheme was only 600 yards; the distance in Col. Fyers' scheme 1,200 yards. The question of a northern arm had been also mentioned by the Lieut.-Governor, who said that the protection already gave still water during the S. W. monsoon. Then in paragraph 12 of Sir John Coode's despatch, where he mentioned that the Northern arm was necessary for protection in the N. E. monsoon, he went on to refer to the prolongation of the breakwater and said that that would mean in effect the carrying out of his original design. The original design, as Mr. Downall understood it, was to have no northern arm, and he hoped the Surveyor General would explain that point. Also he hoped the Surveyor General would explain to them how his scheme affected the passage of the Isaure Rock. He believed that there were two points of rock where the water was shallow, but as far as he understood the plan before them, the Surveyor General's S. arm, which extended from the S. W. arm of Sir John Coode's scheme, would clear the Isaure Rock. He hoped that would be explained. There was also another point, namely, that the casualties of the last 30 years had occurred during the N. E. monsoon and not during the S. W. monsoon. Therefore if the S. W. arm to cost £800,000 would only give protection from the S. W. they would have a very inferior harbour and one not to be considered safe. As he had said before, he had only brought forward his amendment as a thoroughly unprofessional member, simply to promote discussion. He hoped to hear others speak upon it, and trusted that, whatever the result, £800,000 would not be exceeded, and that eventually, if the demands of the port and the revenue had increased, they would be able to extend the harbour as might be necessary.

The Hon. the TREASURER: I think the amendment of the hon. member is worthy the consideration of this Council, and I therefore second it with the object of its being fully discussed. He has so fully adverted to the points connected with his amendment that it is unnecessary for me to enter into them. I have only to observe that from my own experience the result of the present work is to show that in the S. W. monsoon the vessels inside the breakwater have smooth water, and I therefore feel satisfied that if the southern arm is extended with an inward curve according to the plan I have seen proposed by the Surveyor-General, when it is completed there will be no necessity for a northern arm. I cannot support the scheme adopted by the Chamber of Commerce. There are many objections that might be urged to it, but the principal one is that the entrance is, to my mind, very badly placed. It is too small to allow free and safe access at all seasons and times of the ships that visit this port, and judging from what has occurred within my own experience I feel perfectly satisfied of the accuracy of the statement by the Lieut.-Governor that there would be a constant silting and filling up. Then I consider that the northern arm proposed by the Chamber of Commerce would so circumscribe the area of the harbour that there would be great difficulty in the ships described by the Lieut.-Governor safely entering. For these reasons and for the purpose of a free discussion I support the proposal of the hon. the planting member.

The Hon. the SURVEYOR GENERAL said: Sir, I regret to have to differ from such a great authority upon harbour works as Sir John Coode, with respect to his two schemes that have been laid before us. Colombo is one of the easiest ports to approach in the world, and yet in this restricted scheme which has been recommended by the Chamber of Commerce the entrance to the harbour is placed opposite the only patch of rocks which can be found in the neighbourhood. This is one very serious objection. In the next place the depth of water at the entrance is insufficient; allowance must be made for vessels drawing 24 feet of water, so that with sound and depth under bottom, 36 feet at least ought to be the depth of water at the entrance to the harbour. A great fuss has been made about a northern arm to protect vessels from what Sir John Coode calls the ground swell or undulation of the N. E. monsoon. I am afraid he is under the impression that we have a strong N. E. sea here, whereas, as I stated last year, during the N. E. monsoon in the middle of the day the wind veers to N. N. W. causing a short chopping sea in the afternoon which does not affect large ships to any great extent, but cargo and other boats are knocked about considerably and cargo frequently damaged. We require protection against this N. N. W. sea, but not in the manner proposed by Sir John Coode. He gives a northern arm, but leaves the entrance open facing the wind against which we require protection, so that the water inside the harbour where the vessels are moored would be disturbed almost as much as it is at present, and cargo would be damaged to the same extent. At present sailing vessels can get under weigh without any difficulty, but in the proposed harbour they would have to warp up to the entrance, and wait there for a favourable slant of wind, during which time they would be in the way of steamers entering and leaving the harbour. The observation made by the Lieut.-Governor respecting large steamers entering the harbour is quite correct: with a strong beam wind and sea they would be obliged to maintain a certain speed which in such a small harbour, would cause them to get into shallow water before they could be stopped. Another great objection is, that if once the northern arm were made the harbour could not be extended. If it were found hereafter that more space were required, a second harbour would have to be made, but the original one could never be extended. These

are all vital objections to the smaller harbour. Then we come to the larger harbour. Almost all the same objections hold good respecting this scheme as I have referred to respecting the smaller scheme, except that the patches of rocks would not be opposite the entrance. If one arm only be constructed as proposed by Sir John Coode, there would be no protection against the long-shore wind, and the whole of the surface of the water inside the harbour would be disturbed to as great an extent as if there were no Breakwater at all. It would afford ample protection against the S. W. monsoon but not against the N. N. W. wind. Sir John Coode and others have stated that the S. W. swell would curve round the end of a single breakwater and disturb the whole of the surface inside; but actual experience has proved this theory to be incorrect. Captain Donnan, our Master Attendant, a most experienced and careful officer and who has for years past made the winds and waves at Colombo his study, has observed that during the whole of the last south-west monsoon the water within a line bearing E. S. E. from the end of the completed portion of the breakwater was perfectly smooth and all vessels within that line were able to carry on shipping operations although a heavy sea was raging outside the breakwater. I may mention that, from careful observations by Captain Donnan, he has never found any wave in the S. W. monsoon to exceed 9 feet from trough to crest, and the greatest height of the long-shore sea was only 5 feet from trough to crest. I think I have shewn the defects of the two schemes proposed, and I am certain that if Sir John Coode had been here and had watched the winds and waves as Captain Donnan has done he would have come to the same conclusion as we have done. Now as to what I propose: I think we should prolong our present breakwater to a point about 2,930 feet from the root, which would afford ample protection against the S. W. monsoon sea. We should then bend it round and construct an arm 1,860 feet in length almost facing the long-shore swell. The end would be in upwards of 36 feet water at low-water. With this breakwater the inside of the harbour would be protected during both monsoons, sailing vessels would be able to get under weigh without difficulty, and there would be no necessity for incurring the expense of a tug which I believe would be found necessary in a close harbour. Large steamers would have ample room to pull up and moor, and in a sanitary point of view the harbour would be sweet and clean. If, at any future time, it were considered necessary to extend the harbour, an arm could be constructed from Matuwal point. I do not approve of an arm at right angles to the coast any where between Matuwal point and the Tentah;—but I feel confident that no such arm would be required, and a harbour as proposed would meet all the requirements of the port. Captain Donnan entirely agrees with me on this subject, and I am surprised that the Chamber of Commerce did not consult him before carrying a resolution respecting the smaller harbour. Captain Donnan considers that if a breakwater as proposed by me were constructed the water inside would be perfectly protected and there would be no fear of cargo being damaged or of any other accident, and knowing as we do the distance which the sea curves round the breakwater, vessels would be in perfect safety and all the requirements of the port would be met. The hon. gentlemen who brought forward the amendment asked for particulars as to the original scheme. In the original scheme brought forward by me the direction of the breakwater was the same as that proposed by Captain Donnan, but the curve was more gradual than in the present one, which consists of two straight arms meeting at an angle. This was reported upon by Mr. Townshend, an officer of great experience who had been in charge of Plymouth Breakwater for many years. He considered that it would afford ample protection in all weather. Admiral J. H. Cockburn in 1871 and others also stated that it was all that was required, and recently I believe Admiral Corbett expressed the same opinion. The scheme was subsequently referred to Sir John Coode, who proposed a smaller breakwater with the end in about 29 feet of water. I then wrote to Government saying it was a pity that such a small scheme should be entertained that it would not afford sufficient protection to the shipping in the harbour, and that, as Sir J. Coode appeared to think a greater bend was necessary than in my original scheme, I proposed to adopt his recommendation, but on a much larger scale, and proposed one arm against S. W. monsoon 1,200 yards from Custom House point with an arm against long-shore swell 600 yards long with the end in 33 feet of water. My present plan is exactly the same except that I have brought the end into 36 feet of water. Last year Mr. Kyle estimated that my scheme would cost R7,795,720, but now it will probably cost rather more in consequence of the end being in six fathoms.

The Hon. F. M. Mackwood, in rising to support the amendment of his hon. friend on his left (Mr. D.), was unable to go into the technical opinions offered. But there were certain reasons which had struck him as being sufficient why they should not adopt the smaller scheme. In the first place they were discussing this question in a time of great depression, and they had little hope that the finances of the Colony would soon be brighter. He agreed then that they should limit their expenditure to £800,000, but he thought they should endeavour to spend that to the best of their ability, leaving the harbour in such a position that if their successors in the future found further expenditure required to make a proper harbour they might be able to extend it. His first reason for supporting the amendment was that they had a fair period of time before them before arriving at any definite conclusion on that question. He understood that the present breakwater extended to 1,400 odd feet from the root. They had three schemes before them: Sir John Coode's original and modified schemes, and Col. Fyers' scheme. As to the southern arm, it did not deviate on either of the schemes under 2,500 feet, which left 1,100 feet still to be done, and it would probably take 1½ year from the present time to do it. Col. Fyers' scheme gave them further time, because the deviation would not come for still another 400 feet. The second reason for supporting the amendment was that the Chamber of Commerce, in sending in their report, spoke of the modified scheme as being sufficient for the commerce of this port. He felt a certain amount of diffidence in raising an argument on that question—for although a member of the Chamber, a majority was supposed to have better knowledge of the matter than an individual member,—but he knew that in 1877 there were 13 steamers here at one time without reckoning Austro-Hungarian, P. & O., or M. M. steamers, and he thought they might frequently have nine or ten of those in at one time, which would give a total of say 22 steamers. He had taken the trouble to find out the berthing accommodation, and he was told that, allowing for fair ways, each steamer would occupy seven acres. If they divided the 130 acres of water of 26 feet depth by seven they only got room for 19 or 20 steamers. If the Chairman of the Chamber had stated it was only for the present commerce of this port he thought the statement would be correct, but the Chamber had adopted a scheme which would not be sufficient for an increased trade.

The Hon. H. Bois: The Lieut.-Governor, in speaking to the motion now before the Council, referred to the 370 acres harbour No. 2, as the smaller scheme recommended by Sir John Coode. Then he proceeded to show that for certain reasons which occurred to him, such as the difficulty of long vessels pulling

up in due time, it was not advisable to adopt this scheme. Now, if I could find anything in Sir John Coode's report which amounted to a recommendation of this smaller harbour I should not have had any hesitation in bringing forward a resolution similar to that of the Chamber of Commerce, but as a matter of fact Sir John Coode does not recommend the smaller scheme under any circumstances. He speaks of the fact that it will only give 30 or 31 feet of water at the entrance as a fatal drawback to the harbour. It seems to me that in this matter if we are to come to a definite decision as to any scheme we must either pin our faith to Sir John Coode or to the local opinion to which the Lieut.-Governor has referred; and I cannot see how we can consistently adopt the resolution before us. It will commit us to adopting a southern arm which will run to the length of 4,200 feet because Sir John Coode recommends it and we then ask him not to execute the Northern arm because local experience thinks it is not necessary. The southern arm referred to is only recommended by Sir John Coode as an instalment of the larger work of which the northern arm is an essential feature. On the other hand *this* southern arm is not recommended by local opinion. These reasons I think are quite sufficient for rejecting the resolution. As regards the Chamber of Commerce resolution I think its action has been somewhat misunderstood. The position was this. A notice of motion had been given in this Council which practically committed the Colony to an expenditure of one million sterling. The Chamber of Commerce felt that to levy the sum required to meet the interest and sinking fund of a million sterling upon ships entering this port would prohibit vessels from entering it. It therefore called a meeting for the purpose of considering the matter and then passed a resolution which it was understood would have the effect of restricting expenditure to the smaller sum. As an amendment has been brought forward by the hon. the representative of the planting interests which affirms what has already been affirmed, that the Colony cannot afford more than £800,000, and thus practically postpones the decision as to what direction the breakwater shall finally take, I am quite ready to support that amendment. I believe the Chamber of Commerce would not have desired to commit itself to this opinion unless under the circumstances that it felt that if it did not express its approval of a certain design it would be committed to a larger scheme which it cannot afford. There was not perfect unanimity as to the design, but the members were unanimous as to the limit of £800,000. If the interest on the other money can be obtained from another source they are in favour of the larger scheme, but they are unanimously of opinion that the shipping should not be taxed to a greater extent than would suffice to pay the interest on the £800,000. I don't think it is necessary to travel over the points raised by other members, because I am prepared to accede to the amendment. It seems to me that the work can proceed for a considerable time without passing the point common to the three schemes brought before Council.

The Hon. J. P. Obeyesekara approached that important subject with a great deal of diffidence, but still it would be expected that he should express his sentiments regarding it. The breakwater had been originally undertaken upon the definite understanding that it would not cost more than £600,000. Shortly afterwards the work had to be extended, and they decided last session not to exceed £800,000. Now they were called upon to vote nearly an additional three millions of rupees towards the construction of a northern arm which Sir J. Coode insisted upon as necessary. The question was whether Sir J. Coode's close harbour would suit their requirements and finances or not, and whether they should devote their attention to Col. Fyers' scheme, or to the smaller close harbour favoured by the merchants. The Lieut.-Governor's objection to the smaller close harbour seemed such a cogent one that he thought it had some force when applied even to Sir J. Coode's larger scheme. He thought it would be extremely difficult for a large steamer, much less an ironclad, to enter a harbour of that description, at the mouth of which there was such a terrible commotion of the elements, without risk of great danger. He was entirely in favour of the third scheme, that of Col. Fyers. It would be remembered that that was only an extension of the original scheme of Sir John Coode's, but it behoved them to consider the objection Sir John Coode had as to the scheme then under consideration. The only cause which dissuaded Sir John Coode from recommending the southern arm with a bend was the agitation of the water. If that agitation was objected to, it surprised the hon. speaker that the greater agitation which must exist at the entrance to the closed harbour did not strike Sir John Coode at the same time as the probable cause of more or less danger at the time of entrance to the port. He (Mr. O.) was therefore of opinion that the less risky scheme was decidedly that of Col. Fyers. Another grave objection to a close harbour was the great loss and inconvenience which would inevitably follow the occurrence of any accident, such as the foundering of a large vessel laden with a heavy cargo at the entrance to the harbour. The difficulties he had mentioned were quite sufficient to cause him to support the amendment which advocated an open harbour.

The Hon. the Government Agent, W. P., said: The subject of the harbour, sir, is of very great importance, and I am sure Your Excellency wishes that every member of this Council who desires to express his views should do so in the fullest way, even though he should feel he is speaking against the majority of opinions expressed. I think, sir, we should consider this subject, not so much from a professional point of view, but as business men sitting here to examine and look into the opinions expressed by our professional advisers. It seems to me, sir, that in the amendment that has been brought forward to day it is proposed to do what we have already done last year—done in a very proper and graceful way and what I fear we cannot do in the same way again. So far as I can remember the discussion and as far as I understand the papers on the subject, of the schemes that are before us only one appears to be new, the other two having been before us already. Scheme B. and Col. Fyers scheme came before this Council last year. The same objection was taken to scheme B. that is now taken and on the same ground, viz., that of expense. The matter was brought before the Council, and the Hon. the Colonial Secretary proposed to refer it back to Sir John Coode with an expression of opinion from this Council that the Colony could not afford to pay more than £800,000, and to ask him to give us his (Sir John Coode's) advice upon the subject. Nothing can be stronger than the words of the Colonial Secretary on that occasion. He said:—

As regards the manner in which the scheme of Sir John Coode may be reduced I don't pretend myself to offer an opinion. I think it is much better when we obtain the services of the most eminent engineer of the day for breakwater works, that we should put confidence in him and tell him what we want him to do, asking him to do it in the best way he can.

The matter was then very fully discussed, and in his closing speech the Colonial Secretary referred to the scheme of Col. Fyers and Capt. Donnan. Whilst paying a well-merited tribute to those officers, he said:—

I feel that we owe them a recognition of their labours, and while I don't pretend to offer any opinion as to the merits of the schemes they have advocated I have no doubt Sir John Coode will give to their experience and judgment careful and deliberate consideration.

So scheme B. was returned, and Col. Fyers and Capt.

years the estimated revenue to be derived from the harbour had not been increased. With regard to the traffic and returns to be derived from Railway Extension they had the best authorities for stating that they have almost invariably *exceeded* the estimates made. Increased traffic to, and increased revenue from the harbour, would be gladly welcomed by all, but at present they could only deal with the facts and figures before them and state the amount the Colony could afford. He believed the amendment would be received by the Council with one exception, and he felt sure that the result of this debate would meet with that consideration and attention from the Home Government which had previously been given to the deliberations of that Council.

His Excellency the Governor: Before putting the motion I wish to say one word as to the action of the Government in order to clear away any misunderstanding. In the first place the hon. member who moved the amendment referred to some impression that Sir John Coode had been instructed to prepare a design which would meet not only the mercantile requirements of the port but would also admit of the largest ironclads I can only repeat what I have said before that all the despatches I have received have been laid upon the table, and further I have no reason to believe—nor do I believe—that any instructions of the kind have been given to Sir John Coode. As will be seen by reference to the paper published last year, the question was put, whether the harbour as then designed would be available for large ships, and the Admiralty said that design B. would be sufficient provision; that was all that occurred in the matter. I may say with regard to ironclads that I have lived in the Colony now nearly three years and have not seen one here yet. The Admiralty I know will always keep Trincomalee as a naval station. With regard to the next point, it will be seen from the correspondence laid on the table in the present year that the resolution of the Council limiting the expenditure to £800,000 was laid very distinctly before the Secretary of State before the matter was referred to Sir John Coode through the Crown Agents, and it will be seen by the expression in the despatch of Sir M. H. Beach that he was "not prepared to urge upon the Government of Ceylon any further expenditure which cannot be clearly shewn to be necessary for the utilization of works already undertaken consistently with the preservation of the sanitary condition of Colombo." We sent home to Sir John Coode a sort of open commission to give us a plan of a harbour costing £800,000. He gave us a plan of one which he himself does not recommend, and therefore we have declined to adopt that one, and further the Government adhere to the limit of £800,000 and ask for the consideration of a scheme which it appears can be carried out for that sum. It is because the Consulting Engineer has given us a design for a harbour he does not recommend that we propose to ask him to re-consider the case. That is our position. It is not that we take upon ourselves to disagree with the Consulting Engineer, neither have this Council or the Government a desire to be guided except by the Consulting Engineer, but we cannot accept a design which he does not recommend or one which will cost more than £800,000. I think this Council acts most wisely in limiting expenditure and in not accepting the smaller design, and that being the case nothing is left to us but to reconsider the question, and I feel quite sure that if re-considered with the aid of the light thrown upon it by this discussion we shall have a good harbour. Fortunately there is time yet for the whole question to be reconsidered and determined without stopping the work for a single day. We can go on with the works at present in progress without interrupting them and yet have sufficient time for this. We must, however, at once send home these plans to Sir John Coode.

The amendment was then put to the vote as a substantive motion and carried, the hon. the Government Agent, W. P. being the only dissentient.

The Council then adjourned till Wednesday next.

AN EXPLANATION.

(To the Editor of the Ceylon Observer.)

Colombo, 21st Oct. 1880.

Sir,—In your issue of the 16th inst. giving the detailed debate of the Legislative Council on the Breakwater question, I am reported to have said in the course of my speech:—"In the first place they "were discussing this question in a time of great "depression, and they had little hope that the fi- "nances of the Colony would soon be brighter."

This statement is so totally at variance with the opinion I hold as to the future prospects of the Colony, that I must beg to correct it; what I wished to have said was:—"That whilst we were discuss- "ing this question in a time of great depression, we "had good hope that the finances of the Colony "would soon be brighter, and that therefore our suc- "cessors could extend the harbour, if they deemed "it necessary," &c.

I did not rise in Council at the time, to correct my statement, for although the Hon. Mr. Downall drew attention to it I was then under the impression he had misunderstood me. As you, however, report me to the same effect, there can be no doubt about the matter: hence this explanation, which I should have preferred making in Council yesterday, but that I was informed it was not advisable to do so.—

Yours faithfully, F. M. MACKWOOD.

WEDNESDAY, OCTOBER 20.

Present:—His Excellency the Governor, the Hons. the Lieut.-Governor, the Major-General, the Queen's Advocate, the Auditor-General, the Treasurer, the Government Agent, W. P., the Government Agent, C. P., the Surveyor-General, the Principal Collector of Customs, J. P. Obeyesekera, J. Van Langenberg, P. Rama Nathan, R. B. Downall, F. Mackwood, and H. Bois.

THE REVISED CODE.

The Hon. P. Rama Nathan presented the following petition, and moved that it be read by the Clerk of the Council.

This was seconded by the Hon. H. Bois and allowed.

To His Excellency the President and the Hon. the Members of the Legislative Council of Ceylon. The humble Memorial of the undersigned Missionaries and Ministers of the Church, Wesleyan and Baptist Missionary Societies, Managers of Schools receiving Grants-in-Aid from the revenue of the Colony,

Respectfully Sheweth:—

The Spread of Primary Education: First.—That the undersigned, hereinafter denominated the Conference, while desiring gratefully to acknowledge the liberal sum voted by the Government for the furtherance of Education in the Island, are unanimously of opinion that this sum should be administered so as to promote, as widely as possible, the spread of Primary Education.

The Publication of Proposed Schools in the Government Gazette: Second.—That the Conference would suggest the addition of the following clause to the preliminary chapter of the new "Code for Aided Schools":—

12 (a.) That every application for a new school, or proposed change in the school, whether Government or Grant-in-Aid, should be published in the Government *Gazette*.

On the Average Attendance in A. and B. Schools: —Third.—That the Conference is of opinion, that Clause 20 (chapter I. Section I.) referring to average attendance, will if carried out, have a disastrous effect on education of the most necessary kind. According to the return of average attendances given in the Report of the Director of Public Instruction for 1879, Appendix A., 124 Government Schools, of which 15 are Girls' Schools, will we suppose be closed, (as in all fairness the rule should equally apply to Government as to Grant-in-Aid schools), and 201 Grant-in-Aid Schools, of which 46 are Girls' Schools, will be closed, unless the Government is prepared to accept them as C. schools.

It is the unanimous opinion of the Conference, that a large majority of the children attending such schools would, in case they were closed for the purpose of forming larger central schools, as seems to be the intention of the Code, be left entirely uneducated.

The Conference therefore earnestly urges the Government, in the interests of public education, to retain the conditions of average attendance for village schools required in the present code, and at any rate to make them no harder for town schools than the minimum fixed by His Excellency the Governor in his letter to the Director of Public Instruction, of October 31st, 1878, quoted below:—

"With reference to your letter No. 488 of 22nd ultimo, I am directed to acquaint you that the Governor concurs in your recommendations with the exception that the minimum average attendance is to be fixed at 30, not at 35."

C. Schools: Fourth.—That the Conference, while thankfully recognising the liberal scale of payments proposed for the C. class of schools, would ask whether Government intends to confine the provision to the class of schools at present registered under this head, of which there are only eighteen, or to enlarge it so as to include (as seems to be intimated in the Remarks of the Director of Public Instruction on the objections urged by Managers to the New Code, in his Report for 1879, page 14, paragraph 39,) such schools as the 201 Grant-in-Aid Schools referred to above, which would fail, according to the Director's Report, to reach the average attendances required under the Revised Code.

Average Attendance in C. Schools.: Fifth.—That the Conference is of opinion that the average attendance required for C. schools, will be found to be much too high in some outlying and neglected districts, where, owing to the uncivilized state of the people, to floods, or to the scattered nature of the population, it is often a matter of extreme difficulty to secure a good attendance. The Conference would point out in this connection that the average attendance throughout the schools of this class at present is only 14, some being as low as 7.

Clause 21: Removal of a School from the List: Sixth.—That the Conference submits, that Clause 21, as it stands, is too severe, and would ask that instead of altogether removing from the list a school failing to fulfil any of the necessary conditions, it should be degraded to the class of B. schools, in accordance with the spirit of Clause 28.

Anglo-Vernacular Schools. Seventh:—That having carefully considered the whole question of Anglo-Vernacular instruction, the Conference is of unanimous opinion, considering the increasing importance of an acquaintance with English, the limited means of improvement offered in Sinhalese, and the necessity for beginning the study of English at as early an age as possible, that any child who has passed the 2nd Standard in the Vernacular may be presented at the next examination in any standard in English for which he is qualified.

Limits of Age. Eighth:—That as regards Clause 31, a. and f., the Conference is of opinion that these limits of age should not apply to the first examination of a new school.

Needlework. Ninth:—That with reference to Clause 35 the Conference regrets that the grants for needlework have been reduced, and that there is now no distinction between good and superior work, as under the old Code. Considering the amount of time given to it, and the importance of needlework in Girls' Schools, the Conference would beg that the old rates of remuneration be adhered to, viz., for good work R2, and for superior work R2·50, in all standards.

Girls' Boarding Schools. Tenth.—That the Conference would suggest that in view of the present difficulty of obtaining superior teachers for Girls' Schools, Clauses 36 and 37 should embrace English teaching schools, as well as Vernacular and Anglo-Vernacular schools; and would point out that, if the new Code is adopted, which limits English to those who have passed the Fourth Standard, it will be simply impossible to carry on the schools which at present exist as Anglo-Vernacular Boarding Schools. The demand for English is such that the parents are now willing to send their children to Boarding Schools, which they would not do with a view to learning only the Vernacular for four years before commencing English.

Valuation of Passes:—Eleventh.—That the Conference would call the attention of the Council to the very serious loss which will fall on English teaching schools, should schedule (F.) of the new Code be adopted. Primary education in such schools will receive a severe check; and there is nothing to compensate for that loss, as the grants for specific subjects of secular instruction are not available until a scholar has passed the V. Standard, which is reached only by a trifling per centage of scholars. The Conference submits for the consideration of the Council the payments specified in the two Codes:—

	Old Code.	New Code.	Decrease.
Standard II.	7 65	6 00	1 65
" III.	10 20	7 50	2 70
" IV.	12 75	10 00	2 75

shewing that the total loss sustained by managers on such schools under the New Code will be R. 7·10 on every boy for those three years.

Scheme of Superior Education:—Twelfth.—That this Conference is grateful for the help offered in superior instruction (vide chapter III and schedule C.); but considering that in nearly all high schools instruction is given in mathematics, Latin, and natural science, the Conference suggests that managers should be allowed to present scholars in these *three*, instead of *two*, specific subjects, with the addition of drawing; and that the cause of superior education would be still further advanced,

(1.) By allowing managers that liberty in the choice of a Latin author which is permitted in the case of English readers;

(2.) By permitting scholars to be presented in specific subjects after they have passed Standard IV.

Singing:—Thirteenth.—That the Conference hopes that the time will soon come when the Government will offer some encouragement to instruction in singing, which the Conference regards as a valuable educational agency.

Schedule B. Reading, Grammar, Dictation; Copy Writing.—Fourteenth.—That in schedule B. the Conference considers that too much is left to the discretion of the Inspector under the head of reading, in Standards VII. and VIII. The Conference is of opinion that some particular book or books should be specified, as in the other Standards, and that scholars should be examined from such books. The Conference would also point out that the important and difficult subject of Grammar should be examined and allowed for separately from reading, as in Vernacular Schools; further, that in English teaching schools, dictation ought certainly to be examined and allowed for separately from copy writing, as far as Standard V. because of the difficulty of the spelling of English words. Moreover, that if this were allowed, the loss which we have pointed out in schedule (F.) would be obviated.

Conclusion:—In conclusion,—Your Memorialists

respectfully request that in deciding upon the regulations of the New Code, the Council may be pleased to take into their earnest consideration the foregoing suggestions, as they are the result of many years' experience, and are prompted by the desire to extend and improve education among all classes of people in the island.

And your Memorialists, as in duty bound, will ever pray &c.,

(Signed)—James Nicholson, Henry R. Figgis, Fred. D. Waldock, Robert T. Donkin, Lewis Wood, Samuel Langdon, Arthur Shipton, George E. Gunasekara.

The Hon. the Legal Secretary:—In presenting the petition, I wish to say:

[illegible]

bodies can hardly always run in parallel lines. It is not in the nature of things that they should do so. To take, for example, one point of policy indicated in this educational code. It has been one of the most constant and strictly observed policies of the Education Board—or by whatever name it has been from time to time called in England—to repress or rather to discourage what are called weak or feeble schools. A large school commands a better teacher, it commands better boys and it almost always gives a better class of education. For something like 20 years a correspondence has been going on on this subject between certain denominational bodies in England and the Educational Board—or the Privy Council Board of Education,—and the correspondence has at times been characterised by acrimony which I am glad to say we have not met with here. The divergence arises something in this way: the Educational Board here and in England looks solely to educational results. Supposing that a body of one denomination of faith has got a large, efficient, and prosperous school in the midst of a particular locality. The educational mind would say it is far better to keep that school and to have a large efficient school and to leave the instruction of the neighbourhood to that school. But a rival denominational body would say: "They are being instructed in heresy, and we must start a school in order to teach them better things." Perhaps a third body comes in with the same intention, and the result is that Government is asked to give grants in aid to all three ways. First of all, to [illegible] building. No Government grant can be [illegible] and of course it would not be [illegible] number of scholars are [illegible] England a special [illegible] Then again in England a special [illegible] that is to say, that one-half of the [illegible] of the school shall be borne by the [illegible] and that one-half shall be contributed by Government [illegible] that is contributed by the [illegible] buildings are not taken into account. [illegible] further a rule, which I will quote, to [illegible] No grant is made for any school which [illegible] a grant from the department] and which is considered by the educational department unnecessary. Now in Ceylon some of these safeguards are not unfrequently a school is started in the first place a school building is created little by little; not unfrequently a school is started in the vicinity of a house with a view of obtaining the grant-in-aid. In the second place, in many cases the grant-in-aid covers the total expense of the school, and no part of the expense falls on the [illegible] body or other body connected with the school. There also there exists a very strong rivalry, as I have already mentioned, between the various denominations who [illegible] to a certain extent compete [illegible] It is for these reasons that the Director of Public Instruction has thought it necessary [illegible] for a fixed bar of attendance under which [illegible] cannot be made to schools of [illegible] they are C. or village or [illegible] And this is one of the crucial points which there is a difference of opinion between the Director and some of the educational authorities in England have [illegible] I am not sure that it was definitely [illegible] petition, but there has been some [illegible] as regards that. Our policy is [illegible] every means a really efficient [illegible] which will enable the people to have

some sort of recourse to English literature and English civilization. But I think that especially the native members of Council must be aware of the extent to which a sort of smattering—I cannot call it knowledge—some acquaintance with English has been diffused throughout the Island by means of Anglo-Vernacular schools. As regards these I do not blame the missionary bodies, because the Government has been as great a sinner in this matter as anybody else. We have found it necessary to reduce our Anglo-Vernacular schools, and we rather wish that the missionary bodies should follow our example in encouraging a thorough English education, but in discouraging the obtaining of a mere smattering. The head of one of the educational bodies told me not long ago in conversation that so strong was the feeling for acquiring some smattering of English, so as to enable a man to say that he knew a little English though he really knew none, that they in their country schools were obliged to teach English very much against their own will; the reason was that they were obliged to do so because it was taught in rival denominational schools not far off; and they knew that if they did not run with the others the scholars would go to the other denominational schools. This gentleman said to me that the only discouragement to such a system must come from Government. I do not wish to detain the Council by saying what they will learn much better from the Director of Public Instruction. I have thought it necessary to give some outlines striking at the root of the divergence between certain missionary bodies and the Government which must almost always arise. At the same time I don't wish to detract from what I have already said as to the value of the efforts of those missionary bodies in the educational cause and as to the desire of Government to give them every encouragement. I make this formal motion and leave it to the Council to say whether they desire to go into Committee of the whole house at once or what course they will prefer to pursue.

The Hon. P. Rama Nathan said that he quite conceded that the subject was of very great importance, and therefore he did not think that he or any of the hon. members on the unofficial side could well agree to the proposal that the Council should go into Committee on the Code. He thought that the proper course would be to refer the subject under discussion to a select committee or a sub-committee. The revised code was a very complicated matter and had taxed the attention of those members who tried to master its details very severely, and after all the time they had been able to devote to the study of the code they found themselves even then quite unable to decide on the merits because they had not got side by side with the code the objections that might be urged against the code by men competent to express an opinion on the subject. They had read the revised code and had thereby heard but one side of the question and not the other. The Director of Public Instruction, with his usual candour, expressly held out the expectation that whatever papers he had received on the subject would be placed before the Legislative Council. He (Mr. Rama Nathan) was present at the celebration of an anniversary of the Wesley College, Colombo, when the Chief Justice presided, and on that occasion the Director said:—

> When the observations of the principal managers and those most largely interested in the educational work had been received, he inserted every objection made in the margin of the paper, opposite the clause to which the objection referred, and on the other side of the sheet of paper such an answer as it appeared necessary to him to make. All the recommendations, suggestions, &c., received from the managers were disposed of in this way; so that, when the subject was brought before the Legislative Council, the Council would have a full opportunity of seeing every objection that had been made by the parties interested, as also the answers the department had to make to them.

Of course the members were very willing to give their attention to the subject, but in the absence of the objections referred to by the Director, they would be unable to give a fair and impartial decision on the matter. That day he had presented a petition from certain managers who represented 300 schools and 25,000 scholars. The Government schools, they would remember, numbered 372, and the scholars only 19,000. Now the suggestions made by the petitioners were entitled to great weight and every consideration which the Council could give to the matter. Apart from those petitioners, there were two other educational bodies (the American and the Roman Catholic). The Roman Catholics represented 188 schools and 15,000 scholars, and the Americans 123 schools and 8,000 scholars, in round numbers. He had not been able to see what views the Roman Catholic managers had expressed on the subject, and if their objections were with the Government he should like to see them before he could think himself justified in expressing an opinion on the advisability of adopting the revised code. He believed the opinion he gave was the same as that of the other unofficial members, and it was utterly impossible to go into the matter in the manner proposed. He therefore thought it would be best to refer the question to a select or sub-committee to examine into the whole matter and report upon it, and then the Council would be fully competent to deal with it.

The Hon. F. M. Mackwood: I beg, sir, to second the amendment. The resolution before us is, I understand, that the Council shall go into full committee; the amendment that we shall appoint a select or sub-committee. It is not therefore needful to go over the same ground as the hon. member has done, and I content myself with formally seconding the amendment.

The Hon. J. Van Langenberg agreed with his hon. friends who had just spoken that the matter would be more satisfactorily dealt with by a sub-committee. It appeared to him that the questions of detail upon which the managers of the Roman Catholic and other schools and the Director were at issue should be gone into by the sub-committee. So far as he saw from the code the Director had expressed the greatest possible desire to meet the managing bodies. It would be certainly more convenient to the hon. members if the subject could be referred to a sub-committee.

The Hon. H. Bois: I beg to support the amendment. If we adopt the motion it is equivalent to expressing approval of the code, and speaking for myself I really should be quite unable to express an opinion upon it from the information before me. Whether it is from want of technical knowledge on my part or inaccuracy in some of the expressions used, I cannot say, but I am quite unable to understand parts of this code. For instance, paragraph 35 states that in girls' day schools a fixed allowance will be made for needlework according to schedules F. and G. In these schedules I can find no reference to needlework. It is provided that passes in "work," which possibly means needlework, shall be of the same value as passes under other heads, but if so the allowance is not fixed at all but varies according to the standard in each schedule. The code is a mass of detail which it is hardly possible to consider in Council, and it appears to me to be eminently a case for reference to a select or sub-committee.

The Hon. J. P. Obeyesekera: The scheme before the Council is so important and of such a complicated nature that I should be happy to see it referred to a sub-committee. I give my hearty support to the amendment.

The Hon. R. B. Downall: I also agree to the amendment, and one reason for agreeing to it is that this petition has been laid before us now, very valuable remarks have been brought forward, and they should be considered in connection with the code.

The Hon. the LIEUT.-GOVERNOR: Sir,—There is no wish on the part of Government to press a motion of this sort on the Council until they have sufficient information before them to enable them to decide upon the question. My objections to a sub-committee are these: first, of all, we should then be delegating to a few of us that which I think should be done by all of us. We should be asking a few to obtain knowledge which we should all possess. Then there is another objection—the want of publicity. There are for instance, in the petition laid here, certain allegations which may or may not be correct. As that petition has been made public I think we should make public and have brought forward publicly the answer to it. Now for instance there is an allegation in this petition that 201 grant-in-aid schools would be closed. Of course if that were the case it would be a very serious thing indeed, but before coming into Council I asked the Director of Public Instruction how many would be closed and I found that 70 would be closed; and the case of everyone of those has been considered separately by the Director and his inspectors. In 50 cases out of them it was thought desirable that they should be closed and in 20 cases other arrangements would have to be made. That is a point on which it is desirable to disabuse the public mind. It is, therefore, I think, very desirable to go into committee of the whole Council in order that each member may have the views of the objecting educational bodies before him and be able to see how far they are founded on fact or misapprehension. As regards the Roman Catholic bodies, I know that the Director has received a letter from Bishop Bonjean stating that there were some improvements which might be made in the future, yet thanking him for the code as a whole. We have no remonstrances from the American missionaries nor from the Society for the Propagation of the Gospel. The remonstrance we have here is from the Wesleyan, the Church Missionary Society and Baptist representatives. I think there is a great objection to conducting an enquiry of this sort in sub-committee without publicity, and delegating a few to do what we ought all to do.

His Excellency the GOVERNOR enquired if Mr. Râma Nâthan would prefer postponing the consideration of the question in full committee, or would desire to press the amendment.

After consultation with the other unofficial members, the Hon. P. Râma Nâthan pressed the amendment.

A division was then taken with the following result:—

Ayes.	*Noes.*
Hon. P. Râma Nâthan,	Hon. the Surveyor Genl.,
,, F. M. Mackwood,	,, the Collr. of Customs,
,, J. VanLangenberg,	,, the Govt. Agent, C.P.,
,, R. B. Downall,	,, the Queen's Advocate,
,, H. Bois,	,, the Major General,
,, J. P. Obeyesekera,	,, the Treasurer.
,, the Govt. Agent, W.P.,	H. H. the Lieut.-Governor,
,, the Auditor Genl.	

H. E. the Governor abstained from voting.

His Hon. the LIEUT.-GOVERNOR proposed that the following members should form the sub-committee: the Hons. the Lieut.-Governor, the Government Agent, W. P., the Principal Collector of Customs, J. Van Langenberg, P. Rama Nathan, and F. M. Mackwood. He said he presumed the duty of the sub-committee would be to report on the code to the house.

The Hon. P. RAMA NATHAN: And to examine witnesses?

The Hon. the LIEUT.-GOVERNOR: Yes.

ACQUISITION OF LAND FOR PUBLIC PURPOSES.

The Hon. J. VAN LANGENBERG moved

For a return showing the cases in which Government Agents have under the 11th section of the Land Acquisition Ordinance 1876 referred the claims to the determination of the district court; also in each case (a) the extent of land taken over or intended to be taken over, (b) the amount offered by the Government Agent or value of the land, (c) the amount demanded by the claimants, (d) the name of the assessors nominated by the G. A. under clause 19, (e) the result of the reference and (f) the amount of costs, if any, decreed to be paid by the Government.

He said that, as hon. members of the Council were aware, the ordinance which was passed in 1876 was to repeal the ordinance 2 of 1863, by which assessment of land taken over by Government or for public purposes was made by a jury of seven men resident in the same district as that in which the property was situated. One of the disqualifications for a person to sit upon the jury was his service in the employ of Government. It was felt in 1876, in view of certain public improvements to be made, that there was considerable difficulty in getting land owing to the large prices demanded by owners, and also the high assessments which the jury appointed under the old ordinance had made. It was felt that those public improvements could not be carried out, and that the old mode of assessment should be done away with and that the new mode included in the 1876 ordinance should be enforced. That mode was not objected to in Council at the time, but it was thought as to the assessors to be nominated that it should be left to Government, so that now there was no disqualification for the juror. They were aware that numbers of pieces of land had been taken over under the provisions of the ordinance, and the object of moving for that return was chiefly to ascertain what extent of land had been taken over, the amount offered for it, and the amount claimed; to ascertain generally how the ordinance has worked. He had been professionally connected with some of the cases, and his own personal experience had been that the ordinance had been oppressively worked to some extent. He knew of several cases in the Kalutara and Colombo courts. There were instances of land taken over by Government in Slave Island for the avowed purpose of widening the road. Several persons' land was assessed, and although he felt sure that the Hon. the Government Agent, W.P., had done the best he could to arrive at a fair agreement, yet the assessments did not give satisfaction to the owners, and some of those who had the means resisted the Government Agent by going to the court, and in a great many instances the objections made by them were upheld in Court. In Slave Island more land was taken over than was absolutely necessary. Shortly after that land had been taken over it transpired in one case that the land taken over for public purposes was offered for sale to the public at a price considerably above that which the Government Agent thought was the value of the land when he took it over. It was said that something like R50 a perch would be sufficient when the Government took it over, but when the Government advertised it for sale in the *Gazette* the upset price of that very land was fixed at twice the amount. As to that ordinance, he submitted that its operation should be strictly limited to such cases as those where Government intended the land for public purposes. Surely the Government had not a desire to make an investment by taking over land from private parties to their (the parties') discomfort and against their will. That ordinance, it must be remembered, was meant to enable land to be taken from the owners for the public good only. The exercise of that right could not be allowed to extend beyond the proper requirements. There had been, to his own knowledge, a great many complaints made by parties who were dissatisfied with the awards made, although he was willing to admit cases of satisfaction had sometimes occurred, but that might be in a great many cases where the parties either held office under the Government or hoped to have an equivalent from Government at some future day. In one case at Kalutara a man was called as a witness to prove the value of land in dispute. The witness was an officer under Government and in cross-examination was asked if he did not accept the award. He replied that he had done so under a threat of losing his office if he did not. That transpired in a public court. It might or might not be true. It was not that there was any great influence brought to bear by those having to make the assessment, but in such a system there was much below what appeared on the surface. He mentioned that case because it was one which could be vouched for. Then as to the assessments themselves. He knew of some cases, which would be within the recollection of the Hon. the Government Agent, where parties refused to accept the award of the Government Agent and went into court. There were cases in the Colombo court he could mention, and when those were referred to that court it decided in favour of the plaintiffs. Now, those decisions involved the Government in a considerable amount of costs, but when those returns moved for were furnished showing the results of the different cases referred to the District Court, they would also be in a position to see that dissatisfaction really existed among the people as to the working of the ordinance. Then as to the assessors nominated by the Government Agent. He had stated that there was an objection to Government officers being appointed, but in cases at Kalutara he found a fixed assessor; at least whenever he was in court at Kalutara he saw, as sure as there was a Government case, there was that gentleman there to act as Government assessor. He (the assessor) was employed in the Fiscal's Department, and the way in which he discharged a solemn obligation would be illustrated in what the hon. speaker was about to say: In one case which was argued, the assessor was asked if he was prepared to assess the land. The witness said that he was, named the amount, and on the District Judge reminding him that the amount was above the amount awarded by the Government Agent he said "I did not mean this amount, but that amount (which the Government Agent fixed)." The hon. speaker had brought the matter to the District Judge's notice and asked him to record the fact that the assessor, without reference to figures at all, had blindly followed the directions of the Government Agent. There was the record in the District Court of Kalutara in proof of the statement. If that was the way in which the ordinance was to be worked it must lead to dissatisfaction. He suggested that it would be fair to the parties interested if the assessment were made upon a sort of arbitration system, each party having an assessor; but the principle would be infringed when there was a nominee in the service of Government who invariably followed the award of the Government Agent. Even in the case of the District Court of Colombo he thought there was also a gentleman designated the assessor. Personally the hon. speaker thought that assessor was well qualified, but nevertheless he submitted that all the proceedings of Government should be not only above suspicion but such as to inspire the confidence of the people. The Government in those cases should be regarded as one party and the Government should carefully guard against any suspicion that there was the least attempt to obtain by what might be considered improper means an assessment of land. He did not say those gentlemen who were appointed did not discharge their duties honestly and fairly, but he said the proceedings should be such as to be above suspicion. Then as to the land taken over, he had omitted to mention a flagrant instance in Kandy, where Messrs. John Walker & Co. had an offer of £200 or £250, which they refused to accept, demanding as a fair equivalent £3,000 or £4,000. The assessors gave something like £2,600, and the decision of the District Court was accepted by the Government as just, while the Government Agent had only offered one-tenth of the sum. Then as regards costs, which was a very serious matter. The Government was put to very considerable expense and often the Government had to bear the costs of reference because there was not a fair assessment of land made. Numbers of cases, as that return would show, were decided in the District Court, Colombo, adverse to the Government, either from informality of proceedings or by decisions on the merits, and those decisions carried costs payable by Government. The Government, in those cases where the decisions were given adverse to them, had to bear the expense not only of their own proctor but also of the proctor on the other side, and in ordinary cases the expenses amounted to £20 or £30, while perhaps if in the first instance a little more consideration had been shown by the Government Agent those costs might have been avoided. The only object of the hon. speaker was to find out whether there was ground for serious complaint as to the general working of the ordinance.

The Hon. P. RAMA NATHAN: I have much pleasure in seconding the motion. My hon. and learned friend has spoken so succintly upon the whole question that I need not make any further remarks.

The Hon. the GOVERNMENT AGENT, W. P., said he should have very great pleasure in supporting the motion brought forward by his hon. and learned friend on the left, if he would add to it, as the first clause, that the return should contain the number, extent and value of the lots which had been taken over by agreement. The motion as it stood at present appeared to refer only to those cases in which the Government Agent referred claims to the determination of the District Court, that was to cases in which he unfortunately disagreed with the owners as to the value of their lands. He was extremely sorry that in a motion for a general return of that nature the hon. member should have selected certain special cases for and which had been referred to the District Court should be most carefully and thoroughly investigated. As to the Slave Island land, he had only to say that when the original plan was drawn showing the land necessary to be taken over for the road it was deemed advisable—and he believed it was concurred in by the owners of the land—that the Government should not take only a portion of each property, and so take away half of a man's house with his frontage, but that they should take the whole block and pay the owners the full value of the entire lots. Speaking without the plan before him, he thought he might say that there was only one single lot, in the large block which was taken over, that was not actually cut into for a public road, and that therefore no land was taken over solely for the purpose, as suggested, of selling it at a higher value. As to the fact that the land was put up at a higher rate he was also obliged to speak without the figures before him, but he knew this, that the Government paid a very much larger sum for that land and the houses than they got for it when they sold it. It was quite true that in actually valuing each little bit of land the price of a small piece as it stood by itself was put at a lower figure, but surely the hon. member did not mean to say that the small pieces of land as they originally stood, with miserable hovels upon them, no drains, and in an unhealthy, filthy state, were worth the same amount that they were after Government had purchased all those hovels, and had thoroughly drained the land and made a broad road in front and another behind it? and that the Government should not put the land up for public auction for what it would then fetch? As to the manner of valuing he might mention that it had been his practice, in all cases if possible, to appoint persons to value land for him. In the case of Slave Island the valuations were made by professional valuers; Mr. Ledward of Messrs. Venn & Co. was one of the persons ap-

pointed,—he did not know whether Mr. Ledward aspired to Government employment, but he had certainly not appointed him with that view. A native assessor usually appointed to value lots for the Municipality, was the other officer appointed, and he thought he might say that in every single instance his (the G.A.'s tender was above the valuation put by the assessors. Even in cases which had gone to court, he still thought that the original valuation was the fair one, and that there were circumstances in the cases which if they could be enquired into now would prove that the valuation made by the assessors and the amount tendered by him was a much more correct value of the land than that given ultimately by the District Court. The next case he would refer to was the case at Kalutara. As to the assessors at Kalutara, he might say that in those reference cases which occurred at outstations he (the G.A.) simply wrote down to his assistants to appoint assessors and the assistant, in this instance, he believed referred the matter to the Government proctor. He (the G. A.) thought there had been two persons nominated, but the number of cases was not very large and they might be taken up, it was thought, at one time, if one assessor rather than two or three were appointed. As to cases of intimidation by threatening to dismiss a headman if an award was not taken he could only say that if the headman made such a statement of him it was utterly untrue, and he (the G.A.) could not believe it of any officer under him. He should be very glad to have that matter looked into thoroughly. As regarded the assessors in Colombo, he had endeavoured to get different assessors in each case where he had had the nomination himself. One assessor had sat oftener than others, but it was admitted that he was an officer whose character was above question. As regarded costs, he admitted that in the District Court of Colombo the Government had been worsted in a great many cases. Many times it had been, as the hon. and learned member remarked, owing to informal procedure. With that he (the G.A.) had nothing whatever to do. He had taken a particular printed form of reference which was drawn up, he believed, by a high authority, but condemned by another high authority. The objections which had been taken and had cast the Government in costs had been, he thought, sometimes frivolous, although perhaps strictly legal. One had been because the words "with and by the advice of the Executive Council" were not added after the name of His Excellency. Those were, however, matters he had nothing to do with, and he felt sure it would be found, on looking into each case, that the assessment had been carried out by the officers of Government from start to finish in the most honest and the fairest way possible.

The Hon. the GOVERNMENT AGENT, C. P., said he should be glad to support the motion provided it included the cases which had been agreed to amicably. The hon. and learned member had brought forward the case of Messrs. John Walker & Co. He thought too much money had been given in that case. In spite of the fact that the Government took no further action in it he still thought that if the case had been taken up that day by a higher court the Government would not have to pay such a large sum. He believed one of the grounds on which Messrs. W & Co. claimed damages was that their shop goods would be injured by the smoke of the engine, and that the judge and assessors were prohibited by the 4th sub-sec. of sec. 22 of Ordinance 3 of 1876 from taking into consideration any such damages, as they were in his opinion clearly such as would be caused (if caused at all) by or in consequence of the use to which the land acquired would be put.

The Hon. the LIEUT. GOVERNOR: I shall be glad to give the return asked for. In fairness to the Hon. the Government Agents I do not doubt that the hon. and learned member will agree to the addition proposed. It is quite correct to say that the number of cases referred to the District Court have been very few in comparison to the number decided amicably. I can also bear out the statement made by the hon. the Government Agent that great care has been taken by the Government to secure the services of as competent assessors as could possibly be found. As the Government Agent mentioned, Mr. Ledward was secured for the purpose of valuing the Slave Island lots, and I may add that in the case of the assessment for the lots of land to be taken over for the Nanuoya line we nominated the Chairman of the Planters' Association and Dr. Shipton. These are examples to show that we have tried to act in the fairest possible spirit. That there has been some dissatisfaction, I am willing to admit, but I say that the Government has been generally the oppressed party rather than the owners of the land.

The Hon. J. VAN LANGENBERG replied that he did not move for a return as an impeachment of the Government Agents throughout the Island. He only moved for it to see if the ordinance was carried out as it should be. He should certainly alter the motion as suggested by the Hon. the Government Agent, W. P. There was only one point on which he wished to speak further. As to the assessor at Kalutara, he was not at all satisfied with the explanation. He might have stated that that assessor was actually promoted to Colombo, and after he came to Colombo there was a case in Kalutara and he was actually taken to act again at Kalutara. That struck the hon. speaker as rather singular. As to the matter referred to by the Hon. the Government Agent, C. P., it struck him (Mr. V. L.) as singular that if there were such strong ground for bringing the matter to a higher court, as the District Judge did not properly assess the damages, that an appeal was not taken. Surely the law officers of the Crown would have advised that the case should come before a higher court and the decision of the higher court be obtained instead of the Government acquiescing.

THE FISCALS' DEPARTMENT.

The Hon. J. VAN LANGENBERG moved:

For a return of fees recovered by Fiscals during last year, and to call the attention of Government to the unsatisfactory working of the Fiscals' Department.

He remarked that during the last session he had put forward a motion similar in form to the present so far as the return was concerned. His object now was not so much to obtain that information, because it was supplied by papers laid on the table, but he thought it fair as a matter of form while moving for the return of fees to state that the object of the motion was to call the attention of the Government to the unsatisfactory working of the department. When he had the honour of discussing that matter with Sir Wm. Gregory he (Sir W. G.) said that "the department is rotten to the core." They fully expected something would be done for the purpose of reforming that department. So far back as 1874 the matter was brought to the notice of Council by his predecessor, Mr. Ferdinands, and the Colonial Secretary in reply said:—

The subject has already engaged my attention. A Commission has been appointed, and it will soon look into the matter.

A Commission was the general resort of Government when anything of the sort came before it. He now asked if that Commission did sit? The Colonial Secretary had said that the Commission had been appointed, and he (Mr. V. L.) assumed that the Commission had done its work and that some information had been given to the Government. The fiscals were established (at least it was unnecessary to go back further) under the old ordinance of 1839, and so great was the dissatisfaction felt in the mode in which the work was done that the Government was applied to and the ordinance of 1867 was introduced. The system by which the work of the department was carried on was by means of unpaid headmen. Those who had had any experience at all in any system that had to be worked by unpaid headmen must be satisfied that the work could not be creditably done; and such indeed was the feeling of the Government in 1867 that when it introduced that ordinance it was stated that if they had both better machinery and worked the Fiscals' Department in a more satisfactory way then the suiters would have to submit themselves to a certain charge, because no efficiency could be ensured without some expenditure. Accordingly the ordinance of 1867 provided for the payment of fees. The paper laid before the Council from time to time by the Hon. the Treasurer would show the fees paid and the sums recovered under that ordinance. A new charge was made under the 14th clause of the ordinance which empowered the Governor to establish certain rates and fees payable in each province, and the Governor had power to direct the mode by which they should be appropriated. Before 1867 the fiscals received fees, but no charges were made for serving processes. It was a new charge created by the ordinance. The Governor and Executive Council had the power of appropriating the recoveries so made. Under the 15th clause of the ordinance of 1867 the fees and charges were not to be deemed part of the colonial revenue, but were to form a fund for remunerating officers and otherwise promoting the strength and efficiency of the department. But in the same year, by another ordinance, No. 10 of 1867, the clause was repealed and it was declared that all the fees and charges under the 15th section were to form part of the colonial revenue. But shortly afterwards the Government appropriated the fees in a particular manner so that the fiscals should get the fees. As regarded the charges there was no particular order made and certainly he was not aware that the Government had, as the clause of the ordinance contemplated, "directed the mode in which the work of the office should be carried out, and the form and mode in which the accounts should be kept." He did not know that any order had been made. That ordinance contemplated the payment of several officers. The principal ground of complaint against the department now was that there was an insufficient number of officers acquainted with the people upon whom the writs were served, and it was proposed to appoint marshals. They knew that under the old ordinance the Government Agents were fiscals, and the Assistant Government Agents were deputy fiscals, and indeed they had one remarkable instance in which an Assistant Agent who was also deputy fiscal reported that he was "absent on duty" and therefore the process (for himself) could not be served on him. They knew of similar cases where people had processes returned with the report that the persons to be served were *non est*, which was very convenient to some persons. By the ordinance of 1877 it was provided that if satisfactory arrangements could be made, each district should be divided into divisions and marshals appointed. He did not believe that in any district a marshal had been appointed excepting in Kandy. Certainly in no other place in the Island had any district been divided in the mode contemplated by the ordinance, and certainly no marshal had been appointed. They had still the agency of unpaid headmen and other evils which led to the enactment of the ordinance. In Colombo in 1867 there was a fiscal and he was the only fiscal in the Island. All the others were Government Agents and Assistant Government Agents. In the case of Kandy, after this ordinance was brought into operation a separate officer was appointed and he had the same assistants as before excepting in Kandy. He need not say any thing else or furnish the Council with any data; it was sufficient to say that what was contemplated 13 years ago had not been done yet, and that was, he submitted, sufficient ground for complaint. Then again, it would be seen that there were many provisions of that ordinance which worked very injuriously indeed. If the ordinance had been carried out under its main provisions they would have had an efficient administration throughout the land. Now they had the anomaly of an officer at Kandy and an assistant of a higher grade at Badulla. They found Assistant Agents acting as Fiscals, and District Court subordinates in a position over them. Those were some of the objections which led to the change, and yet they found the system condemned in 1867 was the system of the present day. It very often happened that there was an assertion of position by the Assistant Agent and District Court Judge, the result being that it affected injuriously the interests of suitors. His Excellency would thus see that it was desirable in that matter to have a change of some sort. Then in the case of the fiscals who had to investigate claims. There was judicial power invested in the fiscals to determine claims. Never had there been any thorough investigation of claims. There was a provision for the fiscal to protect himself by simply taking a bond of indemnity from one party to another. There they had a person invested with judicial power to protect himself by asking one of the parties to give him security that after decision in his favour no harm would befall him. He had to decide whether a certain thing should be done or not, and he (Mr. V. L.) referred to that more particularly in a case before the fiscal at Kandy. The fiscal thought he must decide the claim. There was no formal claim made by the Government and the fiscal decided the claim which came before him by stating that the party was not in possession and therefore he could not dispose of the property. The decision was by no means satisfactory. It might be a question for the Governor whether that judicial power should be vested in the fiscal. He simply brought the matter to their notice so that if any reform was to be made that question should receive the attention of Government. There had been so far as they were aware considerable delays in the execution of writs. There were cases where the parties were put to considerable inconvenience by there having been no properly paid officers. The hon. speaker had happened to be the victim of—what he might call—negligence on the part of the fiscal. He had to go to Kandy in connection with a sale and was informed on arrival that the sale was sure not to take place because the defendant had employed means for having the sale deferred. He (Mr. V. L.) found the fiscal's peon, who said he was waiting for the tomtom beater, who had not come. He made enquiries and found the tomtom beater at the fiscal's office, and the reason why he had not gone to the sale was that the peon had told him he need not come. That was the satisfaction the hon. speaker had got. Of course the fiscal took steps at once as soon as communicated with, but the time had then expired and he (Mr. V. L.) had to come away. He did not wish to give personal instances, but he felt he must give that instance, where it was shown that the fiscals themselves as a rule take little trouble in investigating those matters, for he was sure that the fiscal himself if he had known of a sale of such an extensive character would for his own sake have been present. The hon. speaker supposed, however, that the fiscal derived the benefit of what the peon did. Those were some of the instances which he thought would show that the fiscals were not so particularly careful in the way in which they did their work. He had the advantage of being in the fiscal's office at Colombo the day before, and saw the way in which the work was done. Of course the fiscal had a lot of books there, and attempted to show that his work was done efficiently, but there was the same evil that he (the fiscal) had to depend on the unpaid headmen for the work that was done, and he had the assurance from the fiscal as to how those men were partly paid. The fiscal said he always gave them the small fees. If really those men were employed to do the work they must be compensated, for if they were not paid by proper means they got it by improper means. Then it would also be

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observed with reference to a provision in the Fiscal's Ordinance which had given some anxiety, there was a provision that wherever property was in execution the fiscal transferred the right and title to the debtor. It had always been the rule for the fiscal to convey the property, but the ordinance said he should convey the right, title and interest, and some of the fiscals insisted upon adhering to that form and no other. It had occurred in some cases where the mortgagees had property sold to them upon a conveyance bearing an 1877 date, in 1879 on the property being sold in execution and purchased by the mortgagee, he discovered, on going to the fiscal for the conveyance, that he had got the right, title and interest of the defendant burdened by intermediate mortgages. However where it had been brought to the notice of some fiscals they had tried to arrange the matter by altering the conveyance. Steps should be taken to prevent misunderstanding in such cases. He had not mentioned all the provisions of the ordinance, but simply indicated in a general way what he considered to be the principal defects of that ordinance, and he had also endeavoured to point out that the machinery created by the ordinance had not been thoroughly brought into operation. His only object was to invite discussion as to the fiscal's department.

The Hon. J. P. Obeyesekera said that he had much pleasure in seconding the motion of his hon. friend, who had so exhaustively entered into the subject of the defects of the fiscal's department that there was very little left to him to comment upon. He fully agreed with all that had fallen from him, and would draw attention to one matter particularly which had not been touched upon by his hon. friend and which pressed very heavily upon the poorer classes of the interior of this Island. He meant the difficulty that existed in obtaining conveyances from the fiscals' department for lands sold and purchased under writs. The 57th clause of the ord. 4 of 1867 rendered it necessary that a diagram or map of the land sold should be attached to each conveyance after a survey of that land by the fiscal; and although care was taken to recover the fees for the survey in advance from the purchasers he knew that in every nine cases out of ten the purchasers were not provided with any transfer. The only title they held consisted of a dirty scrap of paper, without even a stamp attached to it, issued by an unpaid headman, who happened to be the person who carried out the sale. He asked the Government why, so long as fees were charged for surveys, conveyances were not granted to the purchasers, and he wished to know how many surveyors those were holding employment under the department to do the work prescribed in the 57th section of the ordinance. This was one of the grave shortcomings of the department as it is worked at present, and there were many others of a similar nature which it was unnecessary to detail. He therefore trusted that Government would not only agree to the motion of the Council but would go further and appoint a Commission to enquire into the working of the fiscals' department and report upon it.

The Hon. P. Rama Nathan said he agreed with much of what fell from the hon'ble and learned member who introduced the motion. It was a great pity that the Executive Government did not take upon themselves the responsibility thrown on them by the 14th clause of the Fiscal's Ordinance. That clause empowered the Executive Council to direct the form and mode in which the work of the fiscals' department was to be carried on. He (Mr. R.) wished to know in what respects the Executive Council had directed the working of that department? He believed that they had done nothing substantial in that line. It was not the Executive Council only which failed to undertake the duty imposed on it by the ordinance, but also, he regretted to say, the Supreme Court. For clause 13 of the ordinance specially deputed the powers of the Legislative Council to the Judges of the Supreme Court and permitted them to make rules and orders where such were necessary. It was clear from both these clauses, 14 and 18, that the ordinance No. 4 of 1867 laid the foundation only of an efficient machinery, and left the details of the system to be worked out by the Executive Council and the Supreme Court. Neither of these bodies undertook the duty thrown on them, and the consequence was what the public plainly saw, the department, ill-regulated and weakly manned, causing much annoyance and hardship to suitors. There were delays in the service of process, in the making of returns, in the execution of writs, and even in getting information about processes and writs; there were insufficient and bad returns; and worse still, false returns. He (Mr. R.) would not weary the Council by instances, but would for the present dwell on the frequency of false returns being made by process servers. After much trouble and expenditure of time and money, a judgment would be obtained, and on writs sued out, the property of the judgment debtor would be seized. Then for the first time, the judgment debtor would come into Court and, on an affidavit that he received no process whatever, would move that the writ of execution be recalled and all proceedings subsequently to the libel be quashed, on the ground of fraud. An inquiry naturally followed, the result of which often ended in the opening up of the proceedings from the beginning, because the process server did not serve the processes on the aggrieved suitor, or because the service of process was at least a matter of grave doubt. His Excellency would thus see the important position which the process-server occupied in the administration of justice. He was the pivot, so as to speak, on which the whole system hinged, and yet, as the fiscals' department now stood, there was no check of any kind on the process-server,—except of course the threat of a dismissal. He received a miserable pittance of ten or twelve rupees a month and was open to the slightest temptation, and what mattered a dismissal to the server if he could otherwise collect a little fortune? Now the question before the Council was, how to remedy these and other evils? He (Mr. R.) would in the first place suggest the appointment of lawyers, who had seen the actual practice of our courts, to the head, if not as deputies to the head of each of the several fiscals' departments. Theoretical knowledge, however good in itself, would not enable one to cope with the evils complained of. He must, by actually taking part in legal proceedings, see the various ways and opportunities a dishonest suitor or lawyer had to defeat the ordinary course of law. It was in this manner that he could understand the tricks of the trade, and be on the alert to stamp them out. Another suggestion the hon. member would make was to enforce clauses 9, 10, 11 and 12 of the Fiscals' Ordinance, which now remained a dead letter. Those clauses empowered the fiscal to subdivide each of his districts into divisions; to appoint a marshal for each division; and to take securities from them for the due performance of the duties entrusted to them. And each marshall, while he had the power of appointing an assistant under his hand, was held civilly responsible for the acts and omissions of his assistant and of the process servers. The chain of responsibility so created by these clauses would, if the clauses were brought into force, give life and strength to the department and would be the means of avoiding much mischief. A third suggestion he (Mr. R.) would make was the necessity of having a larger number of process-servers and better payment for them. In Colombo, for instance, he was informed there were six servers to represent the wants of 100,000 inhabitants. How was it possible for six men to know personally all the suitors and witnesses who attended court and might likely be drawn into court? Personal knowledge on the part of the process servers was essential to the sufficiency of the returns made by them, and it was no wonder that with such limited servers bad returns and false returns were so frequent. The Moors of Colombo were a large class of litigants in Colombo, and yet the hon'ble member learnt there was only one Moorish process server in the fiscal's office. How easy it would be for a Moorish party or witness to bribe this one man. The process-servers ought not only to be better paid, and their good conduct secured by bonds, but there ought to be representative servers proportionately with the wants and importance of each community. Of course fiscals could not themselves carry out expensive improvements such as these without aid from the Government. The charges and fees collected by the fiscals formed part of the general revenue, and it was for the Government to see that the several officers of the department were better paid. While on this subject, the hon'ble member would refer to a subject cognate with the subject of survey fees spoken of by his hon. and learned friend who represented the Sinhalese. Poor suitors paid into the fiscal's office transfer fees, but were unable to obtain conveyances owing to the want of surveys. A large sum of money had thus accumulated in the several fiscals' departments, and what had become of it? The hon'ble member had reason for saying that the Government appropriated these transfer fees also as part of the general revenue. He would not detain the Council longer. He would only say that he spoke at this length, only to lend the weight of his authority, little as it was, to the necessity of putting the fiscal's department on a more satisfactory footing.

The Hon. the Lieut. Governor: I understand that the return will not be pressed for: we should be glad to give it. We shall be very glad to consider what has fallen from hon. members to-day and see what can be done to ameliorate what are known to be defects in the system. It was recognised in 1874 that there were such defects, and the action then taken was to ask Mr. Gillman, one of the ablest judicial officers then in the Island, to enquire into the working of the department while travelling on itinerating journeys, and report upon it. He did so, and furnished a report, which he marked "Confidential." It could not be published, and I remember it being considered in the Executive Council, but there were really very great difficulties in the way of carrying out its recommendations. His idea was to have one officer in Colombo to direct the whole department, but this department depends so very much on the Government Agents that it is very difficult to create offices in outlying districts which cross, as it were, the powers of the administrative officers subordinate to the Government Agent. In Colombo and Kandy where there are fiscals the cases are somewhat different, because they are in provinces which are more civilized and more in hand, but even there the hon. member spoke of a difficulty which arose from the fiscal forcing the authority of the Government Agent. As regards one or two points which have been mentioned, I would point out that marshals are appointed in the Northern Province as well as in Kandy. There are marshals at Jaffna, but they are are called superintendents of process-servers, one for Manippay, one for Jaffna, and for other places. I don't know whether the introduction of that machinery tends to improve the working of the ordinance, but I believe there is as much dissatisfaction in Jaffna as anywhere else. The real difficulty is to find process-servers who are above bribery and corruption. The natives of this class are unfortunately not characterized by a strict regard for the truth and the responsibility of an oath, and no doubt the evils which arise are caused by false returns to processes. Then as regards another difficulty pointed out by the hon. the Sinhalese member. It was a grievance that a diagram is not always given with a conveyance. The difficulty of doing that was pointed out by one of the fiscals in 1872. Considerable point was made of the fact that there was no surveyor and the diagram was not given. I would ask the hon. member how he meant to get a diagram of an undivided one twelfth of seven fifty-sixths of the portion of land called Siyambalagahawatte, for example? It is perfectly impossible to give diagrams in such cases. That is one of the reasons why it is impossible to carry out that provision of the ordinance. As regards, again, the point of what is to be conveyed. The Fiscals' Ordinance directs the fiscal to convey the "property," but that the conveyance be made in a certain form and that form conveys, not the property, but the right, title and interest in it. What then does the Ordinance mean? I mention this to show that we are not unaware of the difficulties of the system, and what has prevented the Government from doing anything has been the great difficulty in determining what can be done without making matters worse. We hope to give you information at an early date.

The Hon. J. Van Langenberg thanked the Lieut.-Governor for the information given. There was a sub committee appointed on the Civil Code, and many of the defects he had mentioned could come under the consideration of that sub-committee, particularly as to execution. He could not indeed press for any confidential communication, but would there be any objection to lay the letter of Mr. Gillman's before the sub-committee? They had no right whatever to expect such a confidential letter, but as he had said there were many subjects brought to the notice of that Council would have to be considered by the sub-committee on the Council Code. The Government might consider the propriety of allowing the letter to be brought to the attention of the sub-committee; because he had no doubt any suggestion would be considered as of great weight, as no doubt Mr. Gillman was himself personally dissatisfied. He had intended to refer to the diagram difficulty, as the Fiscal had mentioned to him on the previous day that he had a difficulty in execution by having to supply the diagram. They had known instances of one-twentieth of a coconut tree being sold, and it would be hard to call upon the Fiscal to give a diagram of that. If the Government would consider whether that provision should not be repealed altogether or left to the Fiscal's discretion as to granting diagrams it might perhaps be advisable.

The Hon. the Lieut.-Governor: We will consider the point as to Mr. Gillman's letter.

GRANTS OF CROWN LAND.

The Hon. R. B. Downall moved:—

For papers referring to all exceptional grants of Government Land made during the past five years, shewing to whom they were granted, in what districts on what terms, and for what purposes.

He had very little to say upon the subject, as he would reserve any remarks he might wish to make till the papers were laid upon the table. He would only observe that he wished the papers showing the nature and particulars of every exceptional grant of land to be given as an annual sessional paper. He thought it was very desirable to give the information as to those grants and on what grounds they were given. He presumed there were only two grounds upon which grants were given: viz., for personal merit and to try experiments.

The Hon. T. M. Mackwood supported the motion, and thoroughly agreed with his hon. friend on the left (Mr. D.) that it would be most desirable that the public should be acquainted with the guiding lines upon which the Government made those grants. Probably the greater number of them were made for the purpose of experimental cultivation, but they would like to elicit from the Government very clearly the grounds upon which they were granted when given for meritorious service in the Colony.

The Hon. the LIEUT.-GOVERNOR: We shall be very glad to give the return asked for. It is in course of preparation and will take about a week to complete. I quite agree that such a return should be laid before the Council. We do not desire in any way to keep these grants a secret. I would only correct a misapprehension which both hon. members seem to be labouring under, and that is that grants are made for meritorious services. No grants are ever made for such a purpose, for it would be invidious to say to one man: "Your services are meritorious," and to another: "Your services are not meritorious." The only grants made have been for experiment either in products or in land. In one case a grant was made for experiments in growing the African palm-nut, which was new to the Colony. On the other hand grants have been made where there is a new district: that is to say where a district has not been tried the Government are prepared to give special encouragement for experiments in land. To a man going to a new district never tried before, the Government are disposed to give special encouragement. The returns will show precisely the terms of these grants and the reasons for which they have been made.

THE GINIGATHENA-HATTON ROAD: WHAT IS A MAIN THOROUGHFARE?

The Hon. R. B. DOWNALL moved:—

That the road from Ginigathena Gap to the junction with the Dimbula road having become a main thoroughfare, it should be taken over as a principal road.

In introducing the motion he drew attention to the discussion of the same matter during last session, and also in 1878. It had been represented to him by the Chairman of the Planters' Association that the road now called the Dikoya road, from Ginigathena Gap to the junction with the Dimbula road, had become a main thoroughfare. A large number of cartmen journeying towards Dimbula used this road, as the gradients were easier, because fodder was more procurable, and because they could get to Tillicoultry a day sooner than by going on the Kotmale road. It was only a question as to whether His Excellency was prepared to consider that that road being now used as a main road had become a "main thoroughfare." He (Mr. D.) was quite inclined to think that if the principle was to be carried out it should be carried out in that case. It was a main road because it was joined to the Dimbula road and was very largely used by the railway contractors; and as he had pointed out last session any road used by those contractors could not be considered as a grant-in-aid road to the coffee districts because it was for the benefit of the Island generally that the railway was constructed.

The Hon. H. BOIS seconded.

The Hon. the LIEUT. GOVERNOR: The Government is by no means prepared to accede to the proposition that when a road which is a grant-in-aid road is used by a few outside people therefore it should be taken over as one of the main thoroughfares of the Island. The pledge given in Council was that when such a grant-in-aid road becomes a main arterial thoroughfare the Government would consider as to whether it should be taken over as a main road. In this case to take account of the fact that some of the Dimbula traffic goes over the Dikoya road cannot make it a main thoroughfare. The imposition of a heavy toll would either drive the carts off or make them contribute towards the upkeep. Then, again, the fact that during a portion of a year there will be a certain amount of railway material carried over the road does not make it a permanent thoroughfare. One-half the cost of upkeep is contributed by Government, and it is not unreasonable that the Railway Contractor should for a time use the road. These are merely exceptional circumstances and do not alter the permanent character of the road. The question has been twice before the Government already and the reasons why the Government cannot take the road over have been thoroughly explained to the Secretary of the Dimbula Planters' Association who wrote to the Government on the subject. I shall be happy to lay the papers on the table if wished. We are certainly not prepared to take over the road.

The Hon. R. B. DOWNALL did not wish to press the matter to a division.

The Hon. P. RAMA NATHAN obtained permission to postpone his motion as to the Law Library till next meeting.

CIVIL SERVANTS FOR THE NUWARA ELIYA AND UVA DISTRICTS.

The Hon. R. B. DOWNALL moved:—

That in consequence of the growing importance of the sanitarium of the Island by the opening of numerous estates in the neighbourhood and the increased facilities of communication afforded by the construction of the Longden Road a Police Magistrate be appointed to the station. And also that for the better working of the revenue department of the Uva and Nuwara Eliya districts either the boundaries be re-defined or assistance be given in the Badulla Kachcheri by the appointment of a passed writer.

He remarked that he must again draw attention to the importance of Nuwara Eliya, although he was afraid that the importance which should be attached to it was not thoroughly appreciated by Council at the last Wednesday's meeting. However, he hoped he should be able to explain other and stronger grounds why attention should be paid to the motion now before the Council. At present the importance of Nuwara Eliya could not be denied, and yet the same system of jurisdiction as in 1848 was now carried on. There could be no comparison of the Nuwara Eliya of to-day with the Nuwara Eliya of 1848. A large district had been opened up in Dimbula, which was unknown in 1843, when the Uda Pussellawa, Maturata, New Galway, and Halgranoya districts were virgin forest. Then there were few or no applicants for land, and cases of disputes among debtors, and other cases which came into court, were very few in number. The greatest inconvenience was now felt by suitors, both native as well as European. They came long distances to court to procure warrants or swear affidavits, and then the Assistant Government Agent was found to be away and perhaps might not return for several days, during which time there was no Justice of the Peace even in Nuwara Eliya. By appointing a police magistrate, the arrangement of which appointment he would not suggest, although he thought the work might be taken in connection with Dimbula and Pussellawa,—and a court would not be necessary at Ragalla as there was a good road to Nuwara Eliya—that would give the Assistant Agent time to visit the whole of his district and any extra expense would be more than covered by the increase in the revenue from the district secured by better looking after it by the Assistant Agent. As to the boundaries of the two districts, he did not wish to press that part of his motion that day, as from further enquiry he found that it would not be in accordance with the wishes of the natives, and the inhabitants of Uva were very jealous of their boundaries and would not like to be interfered with. He did not attach much importance to the boundaries as far as the revenue was concerned, but great difficulty might arise from the boundaries in connection with civil and criminal cases. As to Nuwara Eliya itself, part of it was in the Kandy district and part in Badulla. Cases might be sent to Kandy which ought to be sent to Badulla. The stream divided the two districts, and there might often be inconvenience. For instance, if a trader had to sue customers on each side of the stream he would have to go to two courts to do so. If such cases had not already occurred they might occur. Also in criminal cases, there might be an offence committed on one side of the stream which would be tried in Kandy and another on the other side of the stream

which ought to be tried in Badulla. The great importance of a police magistrate being appointed for Nuwara Eliya would, he hoped, be considered that day and receive the sanction of His Excellency. There was great inconvenience through the constant absence of the Assistant Agent on circuit, there being no one present to execute deeds and issue warrants. As to the latter part of his motion, he had often brought forward the claims of Uva, one of the richest districts of Ceylon and a district, he regretted to say, which did not receive its fair share of public expenditure; for the want of it, its capabilities had never been developed, and until there was more assistance given to the Assistant Agent at Badulla, he (Mr. D.) was satisfied the revenue from the Uva district would never be nearly as much as it might be. The more he considered the question the more important it seemed to be, and he thought it would before many years pass have to form a separate province. At present it comprised two-thirds of the Kandyan province and had a population of 150,000 to 170,000. Its planting districts alone represented 60,000 acres yielding produce to the extent of half a million sterling. Besides, the district of Badulla was very extensive, it extended from the Kooboobamaar to the Agrapatanas, and it was impossible for any Agent properly to travel over the district if he had no assistance. Oftentimes he (the A. G. A.) was away for several days, and Europeans who might travel down from Dimbula to Badulla about some land case found that nothing could be done because the Assistant Agent was away. It was absolutely necessary that the Assistant Agent in every district should have time to travel. He (Mr. D.) knew something of the principality and could say that there were villages which had been exterminated by famine and disease and even their names had not been known by successive Assistant Agents or the Government Agents of the Province, who had never visited them and were unaware of their existence; nothing had been done to had prevent starvation and disease and no revenue been collected from them. Each village had become a charney house, skeletons sat grinning against the ruined walls, and the winds clattered among dead men's bones. The Assistant Government Agent of Badulla ought to be travelling constantly in the interests of everybody—amongst other things, to further the interests of the natives—to aid in collecting and increasing the revenue, to check encroachments. He did not think there was a single district in the Central Province where encroachments were carried on to such an extent as in Uva. The A. G. A. should also be able to travel to assist in the surveys and see land was put up for sale. A great deal of patana land had been applied for, but the sales had been postponed as the Assistant Agent had not been able to visit the land. Then there were no end of native claims which could not be settled. Another important point was that the Assistant Agent should travel for the purpose of checking the accounts of headmen. Such a disgraceful case as they had recently heard of could never have been possible if the Assistant Agents could have seen to the accounts; he referred to the case of the late Bibele Ratamahatmeya who is now in Badulla jail. There was a case of extortion and torture going on for years, which the Assistant Agents had never found out, and the hon. speaker maintained that it was because the Assistant Agent had not had time to look into the accounts. While on his journeys the Assistant Agent felt that it was necessary for him to get back to his Kachcheri as soon as possible as important matters were waiting for him there. The Assistant Agent had not time to attend to the wants of the district, and he (Mr. D.) maintained that the Government were the losers in the shape of revenue by not collecting the revenue which that province could produce; thousands and thousands of pounds of revenue were annually lost to Government, because Assistant Agent's had not time to look after its proper collection. Assistance was necessary for another reason. Some responsible person should be always in the Kachcheri, to look after receipts and disbursements, also to check accounts when brought in, to attend to correspondence and dispose of native representations. He was aware that in some kachcheries—he did not refer specially to Badulla, though it was the case there, the District Judge acted for the Asst. Agent when the latter was absent. The D. J. signed orders on the Bank, and issued stamps from the vault, but he could know nothing about the antecedents of cases. Some sort of voucher was produced by the head clerk and if it appeared all right, he signed an order on the Bank, but supposing it to be all wrong! suppose it is some counterfeit voucher or one on which payment has been made! Unfortunately there were such people as dishonest clerks—and there have been cases of Civil servants being made to pay up for the defalcations of their clerks. The Asst. Agent was responsible for many things he had to leave to subordinates, and at any time he might be called upon to make good any defalcation caused during his absence. For instance again, an ignorant or foolish headmen brought money to the Kachcheri to be paid into the bank; the head clerk offered to save him the trouble of going to the bank, he paid it in, made a short payment, pockets the rest, the Agent was absent on circuit but might be called upon to make good the difference. He could not have vouchers sent to him when travelling long distances, say in Agra Patanas, while the business in Badulla was at a perfect stand-still. Reverting again to the claims of Uva, he drew attention to the fact of its great fertility. There were thousands and thousands of acres of the finest timber land, inaccessed by water, and no attempt was ever made to add to the revenue by means of it because the Asst. Agent had not time to travel and attend to it. The Asst. Agent, besides his duties as Asst. Agent was also Fiscal, Chairman of the Local Board, Assistant Postmaster General, &c., none of those appointments being sinecures. That was one point referred to in Mr. Van Langenberg's motion as to the fiscals' department, the unsatisfactory working of the department, seeing that the Fiscal at Badulla had more work than he could do. He had made many enquiries as to the best remedy and had received but one answer: that the Asst. Agent should be allowed to travel more. The residents of Uva considered themselves very fortunate in having two such efficient officers as they had. From personal interviews with headmen he found that their wish was that the present King might long reign over them. The District Judge was one of the most energetic in the service, the good effect of whose work had been already shown in the decrease of crime. He was glad to see the Government Agent, C. P., present, who could confirm what he had said, and if he had not been able to state a sufficiently strong case it was through his own want of ability to do so and not from any absence of facts.

The Hon. J. P. OBEYESEKERA was glad his hon. friend the member for the planting community had thought of dropping that part of the motion which related to a re-definition of the boundaries of the Nuwara Eliya and Uva districts, because any such alteration would be certain to meet with opposition from the inhabitants of those parts. He supported the request for a police magistrate at Nuwara Eliya, especially as it was the sanitarium of the Island and rising in importance. He also thought it desirable that assistance should be rendered to the Assistant Agent at Badulla in view of the fact that the district of Uva was a very important one both as regards extent and capabilities of improvement and was fast coming to fore as a coffee-producing district.

The GOVERNMENT AGENT, C. P., supported Mr. Downall's motion. In 1848 he was Magistrate at Maturata and reported that he had not sufficient

duties there to fully employ his time, and so the Government included the district in the Nuwara Eliya district. In those days road communication was so bad as to beggar description, but inhabitants had to travel long distances to Kandy or Nuwara Eliya nevertheless. That arrangement went on for many years until the Government had reason to raise Nuwara Eliya to a first-class appointment. He was surprised that no complaints had reached him as to inconvenience caused in Nuwara Eliya and Badulla. He could not support a motion for a new magistrate solely for Nuwara Eliya, but recommended that by a re-distribution of the duties of the magistrates of Dimbula and Gampola, Mr. Bell should become the resident magistrate of Nuwara Eliya. As regards the relief to the Assistant Agent at Badulla, he said that he could bear testimony to the great need that existed for giving the Assistant Agent some assistance. He should like to see a passed writer appointed rather than one who had not passed. As to the Fiscal's duties, he had applied to the Fiscal of the province to relieve the A. G. A. of his duties. He deprecated the idea of any change of boundaries.

His Hon. the LIEUT.-GOVERNOR: I do not think I need say much on this subject. I don't see any reason why the arrangement suggested by the Hon. the Government Agent, C. P., should not be carried out. I should be sorry to pledge myself to-day, because of course something may turn up before it is sanctioned, but at present I do not see any difficulty in the way. It is not so much that the Assistant Agent at N. Eliya is over-worked, but that there is a great deal of court work to be done and he has to be away travelling very often. With reference to the Badulla Agency there seems to be some misunderstanding to what a passed writer really is. We cannot send a passed writer to Badulla Kachcheri as we would an almirah. The history of the civil servant is this: a young gentleman comes here as writer and remains so till he passes his examination and then he is a passed writer. He is then attached to the court to qualify for judicial work. He then receives an appointment in the Civil Service, so that there is no such person as an available passed a writer. The moment he has done his court work he is made an office assistant or police magistrate. Occasionally perhaps there is not a appointment open for passed writer, so he may be sent to help in a Kachcheri. There are, however, others besides the Assistant Agent of Badulla who have a great deal to do. The Government Agent, C.P., has at present one writer attached to his Kachcheri and the assistance of a passed writer when one can be spared from his Court duties. If we can attach one of those to the Badulla Kachcheri we shall have no objection. We can only send one to Badulla for a certain time indeed lately one was sent to Badulla, but before long he had to be transferred to Haldummulla. We recognise that whenever we can we should send assistance to the Assistant Agent, but to attach a passed writer always to the Badulla Kachcheri would be impossible. I don't understand the Hon. the Government Agent, C. P., as wishing to increase the staff, as there would be many objections to doing so. All we can do is to send, when available, a writer to Badulla to give relief, for a time, to the Assistant Agent.

The Hon. R. B. DOWNALL said he meant by "passed writer" a civil servant drawing £400 a year, as he understood, by the removal of Capt. Williams and others to make room for those writers, that there were so many that there were not appointments ready for them. He regretted that no permanent assistance could be promised to the Badulla Kachcheri, for the loss of revenue for want of proper attention must be enormous. He was glad Government agreed to give the assistance so much needed to Nuwara Eliya by arranging for a Magistrate to be stationed there.

THE LICENSED BOATMEN ORDINANCE.

The Hon. the LIEUT.-GOVERNOR proposed that the Council should go into committee on:

An Ordinance for the regulation and government of boatmen employed in licensed boats.

[A suggestion by the Hon. P. RAMA NATHAN that the Council should adjourn (it being 6 o'clock) was not agreed to, as His Hon. the LIEUT.-GOVERNOR pointed out that they had done no legislative work for three weeks.]

It was decided to include cargo boats under the operation of the ordinance when used for the conveyance of passengers, the crews to be licensed men. A new clause giving effect to that provision will be introduced on the resumption of the consideration of the ordinance in committee. After one or two alterations the ordinance was ordered to be reported at the next meeting of Council.

EXPLOSIVES ORD'NANCE.

His Hon. the LIEUT.-GOVERNOR deferred the consideration of the Explosives Ordinance, as it was under the consideration of the Chamber of Commerce and the Government had received some suggestions from the Wharf and Warehouse Company.

COOLY MEDICAL AID.

His Hon. the LIEUT.-GOVERNOR: I hope to introduce a very important bill on the cooly medical aid question at the next meeting. If the Hon. members have no objection I shall be glad to put it first on the list. I shall not take long over it, but it is somewhat difficult to introduce such a bill after having to reply to seven or eight questions. [The Hon. J. VAN LANGENBERG: We have no objection.] The bill will appear in the next *Gazette*, and in proposing the first reading it is my intention to give notice of the second reading on that day three weeks, and therefore it will appear in the *Gazette* four times before it is read a second time.

The Council adjourned at 6-15 p.m. till Wednesday next at 3 o'clock.

WEDNESDAY, OCTOBER 27.

Present:—His Excellency the Governor, the Hons. the Lieut.-Governor, the Major-General, the Queen's Advocate, the Auditor-General, the Treasurer, the Government Agent, W. P., the Surveyor-General, the Principal Collector of Customs, J. P Obeyesekera, J. Van Langenberg, P. Rama Náthan, R B. Downall, F. Mackwood and H. Bois.

Absent:—The Hon. the Government Agent, C. P

PAPERS.

The Hon. the LIEUT.-GOVERNOR laid upon the table the following papers:—

Report of the Director of the Colombo Museum for 1879; Ceylon Police: Report for 1879 on crime, deaths from violence and casualty, and the Police force by G. W. R. Campbell, Inspector-General; Railways: Report of the Chief Resident and Locomotive Engineer for 1879; and Report of the Finance and Traffic Manager for 1879; Report of the Registrar-General for the year 1879; Report of the Govt. Printer for the year 1879.

A PETITION.

The Hon. P. RAMA NATHAN presented a petition from the inhabitants of Kalpitiya, praying for a Deputy Fiscal, for the improvement of the roads, for two officers to look after the sanitary wants of the town and the neighbouring districts, for a hospital dispenser, for an English school, for the registration of Muhammadan marriages, and for some other relief.

The Hon. the LIEUT.-GOVERNOR: Do you wish to have it read? It would occupy a day.

The Hon. P. RAMA NATHAN: No.

COOLY MEDICAL AID.

The Hon. the LIEUT.-GOVERNOR moved the first reading of the following Bill:—

"An Ordinance to provide for the Medical Wants of the Coffee Districts."

He said: Sir,—I don't think I need detain the Council very long on this subject, which has had, probably, the fullest consideration of you all. It will be remembered that in the last session an ordinance was

brought forward based, or at any rate intended to be based, on the recommendations of a Commission appointed at the request of the planting community. The provisions of the ordinance did not meet with the favour of that community, and it was withdrawn on an understanding that within a short time the Government should be supplied with some definite scheme authoritatively put forward on behalf of the planters, for providing the necessary machinery to work out the scheme which had been in contemplation when the ordinance was withdrawn. Some little delay was experienced in obtaining this definite authoritative scheme, because we were asked first of all for a report of the Principal Medical Officer giving some scheme of his own for taking over the working of this ordinance, and afterwards we were favoured with the reports of the Chamber of Commerce and Planters' Association. The Chamber of Commerce was anxious that all legislation should be limited to the repeal of the existing ordinance, and that employers and employees should be left to themselves as in former days before the ordinance of 1872 was passed. This was so much like retrogression that I need hardly say the Government could not adopt such a step, and I don't think that if it had been adopted it would have been accepted by the Indian or home Governments, who are entitled to a voice in all matters respecting cooly emigration. If this could not be done, then the Chamber of Commerce was anxious that further legislation should proceed on the basis of an extension of the Civil Medical Department, and the Chamber concluded by proposing that the necessary funds should be provided, if the expenses could not be met by the daily fees payable to the hospitals, by an import duty upon rice not exceeding 2c. per bushel. To this proposal of a rice duty there are two objections. First of all, that only one-third—in fact, not one-third—of the rice imported into Ceylon is consumed in the coffee districts. A great portion of the rice is consumed in the Jaffna peninsula. In times of scarcity, the import there is very large, and in one instance no less than five steamers have been seen at Kankesanturai at the same time unloading rice. It would be hardly fair to tax rice imported to the Jaffna peninsula for relieving famine in that peninsula so as to raise funds for working the coffee planting medical aid scheme. It must be well known also that the duty on rice is not viewed with favour by people who give their views on such subjects in England, and this duty has been frequently brought into question, and probably any attempt to introduce it here would meet with the strongest opposition in England. I would add that 2c. duty on rice would only give R110,000, and this sum would not be sufficient to provide for such a scheme as that proposed by the Principal Civil Medical Officer. As regards the Planters' Association, they generally concurred with the Chamber of Commerce. They stated the principal provisions they thought the ordinance should contain and other recommendations which I shall mention when speaking of the details of the ordinance. At any rate, the Chamber of Commerce and Planters' Association are unanimous, I think, subject to certain reservations, in recommending that Government should take over the working of this medical aid system and in condemning the acreage assessment, under which the funds necessary for the support of the system are collected at the present day. In the ordinance I have to propose to-day the two most important features are: that it proposes that the Civil Medical Department shall take over the medical care of the coolies in the coffee districts, and proposes further that the funds necessary shall be provided by an export duty on coffee, tea, cinchona, and perhaps other cognate products which may be added in sub-committee. In the ordinance, by clause 2, districts are provided merely for the purpose of supplying machinery, for administrative purposes. In clause 4 an export duty is provided not exceeding 20c. per cwt. on coffee, and a corresponding duty on cinchona and tea are left blank in order that hon. members who are competent to advise us on the subject may give us the corresponding rates which should be levied in proportion to those rates on coffee. I think there can be no question that to commute acreage assessment would be merely, to use a familiar phrase, "flogging a dead horse." It is unjust in its application, vexatious in its collection, and I think the operation of this assessment has had a good deal to do with the want of success that has attended the system at present in force. As I pointed out last year, the tax is collected independently of whether it is a convenient time for the planter to pay or not, whereas as an export duty would merely be levied as his crop goes out he would feel it in an almost imperceptible way as his accounts are rendered to him. No doubt such an export duty may in some respects act unequally, but it is impossible to devise any general system which will not have inequalities. I believe that a capitation tax on coolies would be the most just way of collecting the funds, but all competent authorities agree that it is impossible to collect, and probably the nearest thing to that is a tax on the produce, because the nearest relation to the cooly employed is the amount of produce his labour brings to fructification. It was objected last session by hon members on behalf of the native interests that this export duty would act unfairly towards native gardens where coffee is now produced, but I see that according to the returns of the crop year just closed only 50,000 cwts. of native coffee were exported from the Island, and that would mean R10,000 only, at 20c. I don't think this duty will act prejudicially on native interests, and I don't think it is an unfair tax upon the natives, considering the enormous benefits they now derive gratuitously from the Civil Medical Department in its present state. The rate I propose to fix is 20c., on the supposition that the crop of coffee will be 750,000 cwts., and this duty will act prejudicially on native interests, would mean R10,000 only, at 20c. I don't think native coffee were exported from the Island, and that the crop year just closed only 50,000 cwts. of produced, but I see that according to the returns of act unfairly towards native gardens where coffee is now behalf of the native interests that this export duty would just way of collecting the funds, but all competent authorities agree that it is impossible to collect, and that a capitation tax on coolies would be the most system which will not have inequalities. I believe as unequally, but it is impossible to devise any general is a convenient time for the planter to pay or not, whereas as an export duty would merely be levied as his crop goes out he would feel it in an almost imperceptible way as his accounts are rendered to him. No doubt such an export duty may in some respects act unequally, but it is impossible to devise any general system which will not have inequalities. I believe that a capitation tax on coolies would be the most just way of collecting the funds, but all competent authorities agree that it is impossible to collect, and probably the nearest thing to that is a tax on the produce, because the nearest relation to the cooly employed is the amount of produce his labour brings to fructification. It was objected last session by hon members on behalf of the native interests that this export duty would act unfairly towards native gardens where coffee is now produced, but I see that according to the returns of the crop year just closed only 50,000 cwts. of native coffee were exported from the Island, and that would mean R10,000 only, at 20c. I don't think this duty will act prejudicially on native interests, and I don't think it is an unfair tax upon the natives, considering the enormous benefits they now derive gratuitously from the Civil Medical Department in its present state. The rate I propose to fix is 20c., on the supposition that the crop of coffee will be 750,000 cwts., of which being used for the purposes of this ordinance only. In planting interest. Clause 5 provides for the money fixed clause 8 the salaries of medical officers in districts where it at a low rate. It is quite possible, in districts where it is desired that officers should be appointed capable of attending the wives and families of planters living in the districts, that these salaries may prove inadequate to secure the services of fully qualified gentlemen for that purpose, but that is rather a question for the sub-committee to consider, and I think, what the Government have to do in bringing in the bill is really to consider what is necessary for the treatment of coolies alone. If on behalf of the planting districts it is desired to have a better class of doctor that would involve rather more expense and the necessary provision to meet that expense. In the 11th clause there is an important provision that "the Governor may appoint the existing Government civil hospitals to be hospitals for any district." Up to the present time it has been the rule that cooly hospitals under the ordinance must be kept entirely distinct from our existing civil medical system, but as soon as the two systems are combined the civil hospitals at Kandy, Matale, Kegalla, Ratnapura, and other places can be utilized for providing medical treatment for coolies upon estates. I think that would form a very fitting contribution from Government in return for our being allowed to utilize cooly hospitals (of course on payment of the regular rate) for treatment of road coolies and other persons we may have to send there. Under clause 12 provision is made for taking over the existing hospitals. This is merely done in the interests of the planting districts themselves. There are the hospitals, and we may as

well take them over. If they were not taken over, it would be necessary to build new ones and charge the cost to the medical aid fund. In clause 16 provision is made that, for every labourer who shall be admitted into a hospital within seven days after his discharge from an estate, the superintendent of the estate on which he last worked shall pay the sum of thirty cents to the Kachcheri to the credit of the medical aid fund for his maintenance. This is in order to prevent what has been, at any rate on paper, a very grievous abuse as shewn by the returns of our hospitals. In 1878 and 1879 we admitted 8,000 or 9,000 coolies into our hospitals who declared that they had been within the previous few days turned off from estates, and sent away by the kanganies because they were not able to work. It is of course a scandal which it would be desirable to remove. I do not place reliance upon all such statements, but certainly if an estate is to pay for the medical treatment of its coolies that liability will extend to a few days after the actual date of discharge. How many days the liability should last is not of so much importance, but at any rate if a man is turned out sick and goes almost immediately into hospital it seems only fair that the estate from which he was discharged should pay for a reasonable time in hospital. Under clause 21 there is a principle affirmed which will probably lead to some discussion, and that is that the whole responsibility is thrown upon the superintendent for looking after the coolies in his employment, and the sanitation of their lines. I think it is very important that we should lay down the principle that a planter should look after his coolies' condition, seeing that it has always been said that the planters do look well after their coolies. The other provisions explain themselves. One important clause gives power to the representatives elected by the Planters' Association and Chamber of Commerce to take cognisance of the way the money is spent and advise on matters connected with the ordinance. As I said before, I don't wish to detain the Council long to-day on a subject which has been discussed so very fully both here and outside. I will only now move the first reading, proposing to take the second reading this day three weeks, in order that there may be time for the Planters' Association and the planters generally to consider its provisions.

The Hon. the QUEEN'S ADVOCATE seconded.

THE LAW LIBRARY.

The Hon. P. RAMA NATHAN: I have to ask the indulgence of this Council to allow me to take up the motion upon the Law Library next week. My desire is to see that the Law Library gets this contribution somehow, and I think by some delay we may succeed.

THE WELLAWAYA AND HAMBANTOTA ROAD.

The Hon. H. BOIS: I rise to ask the following question;

What portion of the sum of R36,000 voted by Ordinance 13 of 1879 for the completion of the road from Wellawaya to Hambantota had been expended up to 30th Sept. 1880, whether the work is now being proceeded with; when it is likely to be completed, and whether the sum already voted will suffice for its completion?

In asking this question, I believe I am permitted to say a few words by way of explanation. This road assumes importance from the fact of its being an alternative route to the sea-borde for estates situated in the Haputale district when the direct route, via Haldummulla and Halpe, is rendered impassable. I am informed that while the 21 miles from Hambantota to Tanamawila are in good order, the remaining portion from Tanamawila to Wellawaya is absolutely impassable for loaded carts. Several good bridges have been put up, but the approaches to them are not completed and the carts have to ford the rivers below. For several miles gravel has been heaped on the side of the road and is being wasted, while in some parts the cartmen have had to cut roads through the jungle to enable them to pass along. It has been further stated that the work on the road has been stopped and that the pioneers working upon it came to Colombo by the "Serendib" on her last voyage on their way up-country. If the work on the road has been stopped for want of funds I may have to bring forward a substantive motion asking for a further contribution. If, on the other hand, it has been discontinued for other reasons I may also have further remarks to make on a future occasion.

The Hon. the LIEUT.-GOVERNOR: I lay on the table the correspondence with the P. W. D. as regards this road, which I think will give all the information the hon. member desires. The section of the road from Tanamawila to Hambantota was completed some years ago. The other section, from Wellawaya to Tanamawila, was not completed for want of funds. A certain amount of work was done and bridges got and placed on the road, and last year R50,000 was taken for putting these bridges in place and for generally improving the tract. Of that I find that R40,000 had been spent up to the end of September. The pioneers were then withdrawn because all the work requiring skilled labour had then been completed, and the reason for the cessation of other labour was given as follows:—

This is the height of the sickly season on this road when the north-east rains set in and it is almost impossible to retain hired labor on the road at this time of year, the mortality being so great among the workmen—added to this there has been a salt collection at Hambantota, where this more profitable employment has attracted many of the coolies from the road works.

I may say that the place is so unhealthy that two road officers in succession have been taken seriously ill upon the road and been removed one after the other. The R10,000 remaining will, I believe, suffice to put the road in thoroughly good order, and then it will remain a road passable for carts at all times of the year, but it will not be a good driving road. To make it so a further sum will be required according to the original estimate. I lay the papers on the table.

OUR FINANCIAL POSITION.

The Hon. Mr. Bois asked for a return shewing:

1.—The cash balances of the Colony as on the latest date at which they have been ascertained.

2.—The total surplus revenue available for appropriation on 31st Dec. 1879, including the balances of all lapsed votes to that date.

3.—The balances of Railway construction fund on 31st Dec. 1879.

4.—The amount available for appropriation from unclaimed balances of the Loan Board on 31st Dec. 1879.

He said: As the direction of any remarks I have make will depend on the figures in the return, I wish to reserve any observations until the return is before me. I apprehend there will be no objection on the part of the Government to granting it inasmuch as my predecessor's wish to obtain a similar return last year was complied with.

The Hon. F. M. MACKWOOD seconded.

The Hon. the LIEUT.-GOVERNOR: I have much pleasure in laying the statements on the table. It is necessary to call attention to two of them, No. 2 especially, showing the surplus revenue. This is not a balance available for appropriation, for the reason that there is no such balance available. We are bound by the instructions from the Secretary of State to keep a reserve of R500,000 always in hand and this statement shows that that has been somewhat trenched upon, and that it now amounts to R447,000, or R53,000 short of the amount we ought to have. I believe we shall be able to restore that at the end of the year. There is no doubt that hon. members will look at the two statements. There is a difference between this return and that in the blue book, which shows a much more unfavourable position of affairs. I did not see the latter till it was printed in the blue book, and since then the Auditor General has prepared this revised statement on thoroughly sound principles. As

regards the fourth statement, as to the amount available for appropriation from unclaimed balances of the Loan Board on 31st Dec. last, we have a statement of this sort made up half-yearly. I have therefore added information which I have no doubt the hon. member will be glad of, giving the figures up to June last.

The Hon. H. Bois thanked the Lieut.-Governor for the return.

PUSSELLAWA MEDICAL COMMITTEE'S BILL.

The Hon. R. B. DOWNALL asked

When it is the intention of Government to pay the Pussellawa Medical Committee the amount due for medical assessment and hospital fees incurred on account of Government coolies since 1875, such amount being R1,828·90; and moved for papers.

In bringing forward that motion he would mention that he called the attention of the Council to it last year in discussing the medical aid question. No steps had been taken since then to recover the money and at the present time there was a large balance due by Government to the medical aid committee of Pussellawa. He would draw the attention of the Government to the history of the case. In 1875 a question arose as to whether coolies working for the P. W. D. should be admitted for treatment at the district hospital. A committee meeting was held, at which the whole of the committee were present, and also Dr. Coghill on behalf of Government, and he (Dr. C.) agreed to a resolution made by himself on the part of Government that coolies should be admitted for medical treatment under the ordinance. It was agreed that the coolies should be admitted for R1 per man. That was carried unanimously, and on the return being made the assessment was fixed at R360, equivalent to 300 coolies. Since then the coolies had been treated in hospital and had received medicines and had the attention of the doctor who was paid for by the district. The claim sent in dated from 1875, but although he had no authority to do so, he was prepared to withdraw the years 1875 and 1876, because the hospital was not built till 1876, although a temporary hospital was previously built and used. He was prepared to claim on behalf of the committee R1,228·90 as due by the Government. The R28·90 was outstanding for medicine account. In 1878, when the officer in charge of the coolies was applied to for the sum he said he could not pay it because it was not in the estimate. The Government Agent, C. P., as chairman of medical committees, was applied to on several occasions to collect the debt in the way he collected debts due by natives and planters under the ordinance. He (the G. A.) had never done so, and the Hon. the Colonial Secretary had been written to on the subject and had not replied to the letter. He would draw the attention of Government to the fact that although their coolies had used the hospital, and enjoyed the benefits of medical treatment, the Government had not paid the amount of money due by them since the beginning of 1877; and at the same time natives assessed under the ordinance had been prosecuted and their property sold to recover the assessment; natives who had never had any benefit, never had any medicine, nor even seen the doctor. There was a case he had brought before the Council last session, where the Government had sold a native's property, and sold so much in excess of what was due that the man had to buy a lot of it back at 50 per cent loss. He (Mr. D.) believed there was a claim against the Government for damages as to that sale pending now. He maintained that if the Government coolies were treated under the Medical Aid Ordinance the Government ought to pay, as their representative agreed to pay in 1875, and that the money claimed by the medical committee should be paid forthwith.

The Hon. F. M. MACKWOOD seconded the motion.

The Hon. the LIEUT.-GOVERNOR: As far as the central Government is concerned, I cannot take any responsibility for the delay that has occurred in this matter. The account the hon. member has given is a somewhat sensational one. The fact of the matter is this. Dr. Coghill did, in 1875, when attending a meeting of the Pussellawa Committee, come to some understanding with that committee that Government would pay R1 per head for coolies employed on the roads in that district. That was forwarded to the Government and his proposal was neither sanctioned nor disallowed. There was no particular need to do so, because then we had no coolies upon the road. The road were given over on contract to Mr. Reid and on no roads in that district had we any coolies during 1875 or 1876. An assessment, therefore, at R1 per head would have amounted to zero. No doubt that was the reason the matter escaped attention and we did not at any time discover the arrangement entered into by Dr. Coghill. From that day not a word was heard about it by Your Excellency or at my office until I received a demand recently, informing me that unless the committee were paid immediately legal proceedings would be taken against the P. W. D. I need hardly say that in presence of that threat I did not answer the letter pending the result of enquiries, especially as this was the first I had heard of the matter. Not a syllable had the committee ever written to my office on the subject. If they had, I need hardly say that though the debt had been contracted in an unusual way we should have considered it a debt of honour and paid what was due. Since that very formidable letter was received I have taken some trouble to investigate the matter and I find that there should be no charge for 1875 or 1876, but as we have not disclaimed what Dr. Coghill did in 1875 we have resolved to pay the committee for the other years. Only last night did I get the information to deal with the claim, and we shall pay it very shortly. I cannot say it is such a grievance as appears from the motion, because, if the committee had taken the trouble to write a letter claiming the money in any of those previous years to my office, that claim would have been met as soon as the accounts had been prepared and the necessary information got; in fact, what has been done now would have been done years ago. I can't take any responsibility for matters never brought to the notice of the central Government.

The Hon. R. B. DOWNALL: I am glad to hear that the Government are willing to pay their debts. I quite exonerate the Hon. the Colonial Secretary's office, as the proper person to apply to was the Government Agent, C.P., and it was his duty to see that the money was paid. Therefore I think the Committee is exonerated for not applying to the Colonial Secretary. Their duty was to apply to the Government Agent. It was only when they found that they applied to the Colonial Secretary.

VALA RENTS IN KALUTARA DISTRICT.

The Hon. P. RAMA NATHAN asked

In reference to case No. 63,480 of the Police Court of Kalutara, recently decided by the Supreme Court, if the sales of the rents of the ya u harvest in the Kalutara District were held later than usual, and if so why and on what dates; and whether no sales of the same rents were held more than once, and, if so, why; and moved for papers, especially the paper of instructions issued from the Kalutara Kachcheri to the Mudaliyar of the district, forbidding him to grant permission to cultivators to reap or thresh their crops; and asked if any such instructions were sanctioned by the Government.

The hon'ble member said one fact was more powerful than a hundred arguments, and the facts of the case now before the Council would prove to it the imperfections of the Ordinance No. 14 of 1840 and the necessity there was of giving relief to cultivators where the paddy tax had not been farmed. Of course part II of the Grain Tax Ordinance provided in times yet to come for the abolition of the Ord. No. 14 of 1840, but that depended on the completion of the labours of the Grain Tax Commissioners. Their

work would not perhaps be over for the next ten years, and ought cultivators to be left during all that time to the tender mercies of ignorant headmen, or rather of enthusiastic but ill-guided revenue officers? To come to the case of oppression and illegality. It was only the other day that Mr. Bright while on the Hares and Rabbits Bill described feelingly the uncertainties and anxieties of a farmer's life. To add to those anxieties, the Paddy Tax Ordinance provided by clause 2 that no crop should be cut until a written notice of the intention to cut the same should have been given to the headman or other person in that behalf authorized; and clause 14 inflicted a severe penalty on the cultivator if he did not give the written notice. While the ordinance with cruel minuteness thus took care that the villager was not in default of his duties, was it equally careful in exacting from Government officers the duties imposed on them by it? By clause 3 it was clearly the duty of the headman to acknowledge forthwith the receipt of the notice of the villager and to make an endorsement thereon, but the legislature imposed no penalty whatever if the headman for any reason neglected or refused to receive or endorse the notice. What was the poor villager to do under this circumstance? Was he to allow his crop to rot away, or, if he did cut it, was he to deliberately bring himself under the penalty of clause 14? The complainant in case No. 63,480 found himself in this predicament. He gave notice of his intention to cut his crop to the vidana arachchi, who refused to receive the notice. Then the complainant tendered the notice to the Mudaliyar of the district, who too refused to receive the notice, because he had express orders from the Assistant Government Agent not to receive it. The complainant thought that he might charge these two headmen, under clauses 3 and 10, with neglect of duty, and accordingly preferred the plaint in case No. 5,420. On the trial day, both the defendants pleaded not guilty, and stated that their refusal to accept the proffered notice was due to the instructions they had received from the Assistant Government Agent. The complainant was affirmed and stated:—"I am cultivator of the field C, for the *yala* harvest. The crop has been ripe for the last 10 or 12 days. This notice which I now produce I presented on the evening of the 26th August to the second defendant, who is *vidana arachchi* of the district. He refused to receive it, saying it was not his business, and referred me to the Mudaliyar. Then I went to the first defendant, who is the Mudaliyar of the district. I presented the notice to him on the morning of the 27th. He refused to receive it or sign and return it, saying he had received orders from the Assistant Agent not to do so. There is no Government renter at present. The rents of this and other fields was fixed for sale on 18th August. I was present at the auction. The sale was stayed by the Assistant Agent as the bids were considered insufficient. The Assistant Agent declared he would not sell it under two rupees per bushel, nor would he allow the cultivators to reap or thresh." When the case for the prosecution was closed, the Police Magistrate acquitted the vidana arachchi, the 2nd defendant, and convicted the 1st defendant, but in view of the fact that he had acted under orders from his superior, the Assistant Agent, he was sentenced to pay a nominal fine of 50 cents. Against this conviction and sentence an appeal was taken to the Supreme Court. At the hearing of the appeal the circumstances of this case struck the bar as surprising. The appellant's own counsel was unable to justify his conduct, but argued on the law of the case. The court reserved judgment and at length his lordship, Mr. Justice Clarence, always remarkable for his independence of opinion, delivered his judgment. He thought that the penalty under clause 10 could not be made to apply to the headmen referred to in clause 3, and accordingly set aside the conviction and sentence, but in doing so he observed as follows:—"I arrive at this conclusion with regret, because according to the Police Magistrate's view of the case, which I have no reason to mistrust, the conduct of the appellant and that of the superior under whom he is said to have acted has been extremely oppressive. It is not disputed that the appellant did reject the notices, and the Police Magistrate imposed only a nominal fine in a belief that the appellant had so acted upon instructions from his superior, the Assistant Agent. The refusal was illegal and oppressive, and it is difficult to imagine that it can have been instigated by any other motive than a desire to intimidate ignorant cultivators by holding out the crown as possessing a power of retarding the reaping, which it plainly does not possess. This state of affairs was very grievous indeed. But the conduct of the Assistant Agent in this special case was, in the opinion of the hon. member, of not great importance. What was really important was that the Government should guard against a repetition of such acts. There was a flaw in the ordinance, and it was for the Government to take care that the zeal of the revenue officers in their efforts to increase the revenue, should not be permitted to take advantage of the defect in the ordinance so as to prejudice poor villagers. Since giving notice of this motion in Council, he had received letters from Pasdun Korale which showed that the Kalutara Mudaliyar was not the only man who had received the order from the Assistant Agent. It appeared that the Mudaliyar of the Pasdun Korale had also been instructed not to receive the notice of villagers, but that being a humane man he had the courage to disobey the orders of the Agent and represent to him the illegality of the order and the great hardship it would entail on the cultivators if it were enforced. The hon'ble member hoped that these instructions were not sanctioned by Government, and that the Government would issue strict orders to their revenue officers to work the ordinance No. 14 of 1840 in a more liberal spirit without causing vexation and trouble to poor cultivators.

The Hon. J. P. OBEYESEKERA seconded the motion of his hon. and learned friend, and in doing so could not help being struck with the extraordinary nature of the circumstances attending the case brought to notice of the Government by him (Mr. R.) The hon. speaker was glad to see that the Grain Tax Ordinance of 1878, which was intended to relieve the agricultural classes of the oppressive measure at present carried out, had already been introduced into Kalutara and the other districts where those circumstances were said to have occurred, and His Excellency and the Council would agree with him that of all the industries of this country the paddy grower's was the most irksome and the most precarious one. He (the paddy grower) had to undergo a greater amount of trouble than any other people of the country, because his crops were so dependent upon the seasons and exposed to so many casualties that it was only once in four or five years that he could get an average crop. It took seven months' anxious care and unremitting toil to get a crop, and when he had at last succeeded in getting a crop ripe and ready for the sickle, that should be the last moment for any one, much less the Government Agents, to throw obstacles in the way of the cultivator in earning the result of his labours. Here they had a case in which the cultivators at Kalutara—he was not prepared to say whether the crop was a good or a bad one—expected that their crops should be sold without any delay; and let hon. members consider in what way the Assistant Government Agent acted under such circumstances. He (the A. G. A.) fixed the date of that sale and put the crops up by auction, and when he could not get his own price he postponed the sale. Nothing could be more detrimental to the cultivators than to do so. The object with which the sale was postponed was

doubtless to intimidate those people to offer a price which came up to the Assistant Government Agent's mark, as was very properly remarked by the Supreme Court in its judgment on the case that went before it from the Police Court at Kalutara. But the Assistant Agent and Government officials should act as the hon. speaker knew H. E. desired them to act, with all possible generosity towards the agricultural classes. His Excellency had said, in connection with the new ordinance, that it was the desire of Government to suffer a slight loss rather than allow the old farming system to exist. But instead of reciprocating that wish that the Government Agents should take upon themselves the task of postponing sales at the risk of ruining the paddy crops and depriving the people of their food for another 12 months was conduct which should not for a moment be tolerated by Government. He left it to Government to explain under what circumstances the sale was postponed, and he really could not think that the case could possibly admit of any satisfactory excuse. But although the people of Kalutara were not likely to suffer again from conduct of such a nature, now that the new ordinance had been introduced, he thought it would be a service to the people of the Island generally to bring this matter to the notice of the Government so that in other districts such an occurrence should not take place. As to the law upon the point, it seemed to him that the charge brought against the Mudaliyar should not have been preferred, as it disclosed no offence whatsoever. The Mudaliyar, the hon. member thought, was not bound to receive any notice. There the sale was postponed, and in the meantime orders were sent to the Mudaliyar, which were utterly uncalled for, to refrain from accepting notices from cultivators. By the second clause of the ordinance it appeared that the headman *authorized by the Government* to receive notices and to collect the Crown share of the paddy, was bound to receive those notices; but that was under the system of collecting the Crown tithe in paddy. They should read the second clause by the light of the 7th and 9th. Those spoke of the mode of dividing the paddy and of storing it in Government stores; and it was when the Government share was collected *in kind* that the second section came into play. The 7th and 9th sections distinctly showed under what circumstances the notice was to be received by the Mudaliyar or any one authorized by Government to collect its share of the paddy; and it was to be received and endorsed by him only in places where the renting system was not in force. But in Kalutara the system was the renting system dealt with in the 8th clause. Therefore he contended that the mudaliyar had no power, even had he been ordered by the Asst. Agent, to receive that notice. The endorsements by the mudaliyar would not have protected the cultivator. But according to the present practice, Mudaliyars were in the habit of receiving notices and making indorsements, and that to the detriment of the cultivators themselves, who had the delusion that the Mudaliyar could give them power to reap and thresh even where the system of collection by *aumony* was not in force. That was one of the grand opportunities for the unpaid headman to recoup himself for his gratuitous services to Government; and the result often was a law case, by the renter against the cultivator, for a larger share of paddy than that tendered to him as the result of the reaping upon the permit of the Mudliyar. The circumstances under which the headman was bound to receive notice in places such as that in question where the renting system was in force were *after* the sale of paddy rents. If after the crops were sold the renter refused to endorse the notice to cut or thresh then the cultivators should give notice to the nearest headman, who the 10th clause said should indorse it and return it to the cultivator, and that would be sufficient protection against further action. If he refused to indorse it he was liable to a fine at the discretion of the court. It distinctly showed that the headman was empowered to receive and endorse a notice only after the rents had been sold, in places where the renting system was in force, as at Kalutara. In this case the notice had been given to the Mudaliyar before the rents had been sold and so the real blame attached to the Assistant Government Agent in not having sold the rents at the proper time. One of the principal conditions of sale was that the rents be sold to the highest bidder. Surely if that was one of the conditions of the sale it was not for the Assistant Government Agent to say that the highest bid was not sufficient, and to postpone the sale. Had the rents been sold on the day fixed there would have been no complaint, and all that illegal prosecution and illegal fine of a respectable man like the Mudaliyar would never have been heard of. If the paddy crops were imperishable, he could understand a delay of a month or so, but there, where a difference of a week's time in cutting the crop would have inflicted great misery upon hundreds of people in the district, he did not think it should be tolerated. That was one view he took of the case as far as it affected the rights of the people of the district, but there was another view which it presented and that was the unfortunate predicament into which the mudaliyar—who from his name was a Sinhalese man and from his position was evidently a respectable man—had been thrown by the orders of the Assistant Agent. In obedience to the orders of the latter the Mudaliyar had been refusing to endorse those notices and had been brought to the court; and he thought the action of the Police Magistrate, commendable as it was, would have been more commendable had he discharged him after hearing the case, But that unfortunate man had been fined in the Police Court on account of the orders given him by the Assistant Government Agent, and for having committed no offence whatsoever. For the fine inflicted upon him the Assistant Agent should be held indirectly responsible. The hon. speaker sincerely trusted that notice would be taken of the matter and that Government would make its utmost endeavours to prevent a recurrence of the postponement of sales of that kind in the future. Such sales should take place on the fixed day, as paddy crops were very precarious and would be ruined in the course of a week if there happened to be a heavy shower of rain in the interim. Postponements similar to that complained of could not be creditable even to the commonest auctioneer.

The Hon. the GOVERNMENT AGENT, W.P., proposed to say very few words in reference to this case. He would first address himself to the actual case which had given rise to the motion before them, and then to the law and procedure in cases for the future. He had before him all the papers on the subject, which had been sent to him by the Asst. Govt. Agent, and he felt perfectly certain that when they had been read every member of the Council would exonerate both the Asst. Agent and Mudaliyar from the imputations brought against them. In forwarding the papers to the Hon. the Colonial Secretary that day—(he received them only the previous day)—he wrote a letter, and he thought he ought to read that letter because it explained the case very fully. He said:

SIR,—I have the honor to forward to you a paper, received last evening from the Assistant Government Agent Kalutara, having reference to the motion to be brought forward to-day by the Hon. P. Rama Nathan. These papers speak for themselves; they show that the rents of the fields in the village of Kohdana have been regularly and properly exposed for sale by the Assistant Government Agent of Kalutara. The sales were held earlier, not later than usual, and they were very properly postponed owing to a combination amongst the proprietors and cultivators to keep down the bidding, and undervalue the Government share.

The Assistant Agent wishing if possible to sell the rents and not to collect the tythe in aumony issued an order which he assured me was only intended to prevent a

general reaping of the crops without the usual formalities. The Mudaliyar interpreted the order strictly, as I think the 26th August he refused to accept a notice from a cultivator of his intention to reap his crop on the 1st Sept. The legal effect of this refusal was absolutely "nil"; the cultivator was quite at liberty to reap his crop on the day in question before any two villagers, and no one could prevent him, but apparently not being aware of his legal remedy or being ill advised he went to the Police Court and brought an action against the Mudaliyar. The Mudaliyar was fined 50 cents by the Magistrate but in appeal the conviction and fine were set aside as not justified by the law.

It will be seen that the refusal of the Mudaliyar to accept the notice was given on the 26th August, he reported his refusal to the Assistant Government Agent on the 30th, and on the 31st, the day on which he received this letter, the Assistant Government Agent, seeing that his order had been misunderstood informed the Mudaliyar that he must receive the notice, and allow parties to reap, so that the objectionable order, which was undoubtedly calculated to mislead the Mudaliyar, and to cause inconvenience, was allowed to operate for only 5 days, the exact time which the notice to reap has to run before reaping can take place. So that even if the cultivator had not had his remedy provided by law, the Assistant Government Agent had himself given it to him, and he was not delayed one single day in his reaping operations. As a proof that the crops were not ready for reaping the Assistant Government Agent has appended a statement, shewing the dates on which the fields were actually reaped, and it will be seen that although the Mudaliyar was ready to give permission on the 1st September, yet out of 35 fields only 5 fields were reaped before the 10th September 8 fields were not reaped, until the 6th October and 3 fields are not yet reaped.

The statement in the Police Magistrate's judgment that the refusal to grant permission *must* have caused great damage to the cultivators is not supported by a single item of evidence, nor did the complainant himself venture to assert it.

As regards the Supreme Court judgment I will say nothing; it requires to be carefully read to be properly appreciated, It should, however, be noted that the Assistant Government Agent was never before the Police Court nor the Supreme Court, he had never an opportunity of explaining or defending his conduct, and he has in fact been condemned without being heard or even properly charged.

That was the present case as it stood. It was necessary, he thought, that he should explain how the rents of villages are dealt with when a sufficient bid is not made for the crop at public auction. The question had been raised whether it was legal to postpone a sale and whether a villager is put to any great legal disability through a sale not being held. He maintained that it was perfectly legal to postpone a sale and that the Government should not be compelled, when there was a combination, to sell its rents to the highest bidder and that the villager was in no way hurt by the sale not taking place, for his (the villager's) course was perfectly clear according to law. If the village crops were rented then it was true that notice must be given to the headman, and the headman could be fined if he did not endorse that notice, but where the rents were not sold the headman was not required to attend at the reaping though he ought sign the notice. But if the villager gave him notice and the headman did not attend to it the villager had nothing whatever to do but reap his crops under the 11th clause, before two respectable persons and in their presence set apart the space due to Government. That was the view of the law taken by the Supreme Court, and certainly it was that of the revenue officers engaged in the work. When the rents were put up for sale and the bids were made, the Mudaliyar was usually asked if he thought they were sufficient, and if not sufficient the Assistant Government Agent postponed the sale for a day or two until he could obtain a sufficient bid. In the present case the village of Koholana was not the only village sale of which was postponed. Nine village rents were offered for sale and postponed, and eight were sold on subsequent days. When it was intended to collect the crops in summony, the headman generally let the people reap without long notice as the strict formalities of the ordinance were not generally carried out. It was to such reaping that the Assistant Government Agent referred when he informed the Mudaliyar that it was not his intention to collect the crops in summony, and that he was going to put them up to auction in a few days. But four days afterwards the Mudaliyar sent to him saying that he had refused to accept notice of the intention of the people to reap their crops, and then the Assistant Agent at once told the Mudaliyar that he must not do that, and the order was rescinded, and the fact that the order was rescinded is actually recorded in the P. C. judgement That was on the 1st September, and some of the crops were not reaped on the 1st October. He contended that if the case were looked into it would seen that admitting the Assistant Agent made a mistake by instructing the Mudaliyar, the Assistant Agent took the earliest possible means in his power to correct it and to give every facility to the villager to reap his crop in accordance with the law.

The Hon. P. RAMA NATHAN said he was very glad to be assured that the papers laid before the Council would entirely exonerate the Assistant Agent and the Mudaliyar. The Assistant Agent was said to have meant well in issuing the order complained of, and the Mudaliyar to have construed it too literally. That was the explanation put forward. He (Mr. R.) would read the papers carefully and judge for himself. As to the remark of the hon. the Government Agent for the Western Province that it was perfectly legal to postpone a sale, it might be legal to do so, but, in postponing the sale, nothing should be done to harrass the cultivator. Nor could he (Mr. R.) agree with the Government Agent in supposing that, if the cultivator could not induce the headmen to accept the notice, he might under all circumstances cut the crop on his own responsibility, in the way prescribed by the 11th clause, He (Mr. R.) was afraid that clause 11 applied only to cases where the rent had been farmed out. The ordinance, it appeared to him, contemplated two classes of cases. One was where the rents had not been farmed. The procedure in such cases was defined by clauses 2 to 7. From the 8th clause downwards, the proceedings referred to cases where the rents had been farmed.

The Hon. the LIEUT.-GOVERNOR: I hardly rise to express an opinion upon the merits of the case, because they have been gone into fully by the Hon. the Government Agent, W. P., but my reason for rising is to make an appeal to hon. members that when they get up to move for papers to inform the Council as to certain things which have occurred they would refrain until those papers are before them from impugning the conduct of a zealous Government officer as inhumane and rapacious, as treating the poor cultivator who had been for seven years aswedumizing his fields, so that at the last moment when his anxieties are at the most trying point he cannot reap his crop, &c. I think when such statements are put forward they should be put forward after hearing both sides of the case. I have gone carefully through the whole of the papers, and I am bound to say I can see no inhumanity, no rapacity, and I find that this poor cultivator who had been for seven years watching his crop in fact reaped his crop in a most leisurely way, and has not finished it yet. Has there been oppression and rapacity? I think not. The reports of the Government Agent and Assistant Government Agent show very clearly that there was a misunderstanding between the Assistant Government Agent and the Mudaliyar, but that misunderstanding was immediately corrected, and in three days after the original sale day orders were given allowing the man to proceed and do what he wished with his crop. I am very sorry to see that a youthful magistrate,

inspired no doubt by zeal for defending the oppressed cultivator, and upon an entire misconception of the facts, has come to the conclusion that the cultivator was oppressed, and that the Supreme Court misinformed through the terms in which his judgment was couched, should have supported him in the same opinion. The man has suffered no sort of damage, and in his suit at the police court he did not venture to assert it. I now wish to leave the papers to the consideration of the Council, but would only point out that it is somewhat fairer that the defence of a very zealous and efficient public officer should be before the Council before such imputations are cast on his conduct. I think that is a spirit of British fairness which hon. members will be the last to think of infringing now that I have pointed out how it operates. Papers are called for and imputations are made before the papers are laid upon the table; possibly no one reads those papers and then some years later people see the proceeding that have passed in this room and say: "This is the sort of oppression which has been going on for years." I leave the papers to speak for themselves because I think they do so perfectly.

AGRA ROAD EXTENSION.

The Hon. R. B. DOWNALL rose

To draw the attention of Government to the unfinished state in which the grant-in-aid road from the Agra Patanas to the Dimbula Coffee Company's land was taken over from the contractors.

To ask from what source funds will be available for the proper completion of the road, and to move for papers.

He trusted that the remarks he should have to make on that motion might not come under the category of those which had been mentioned by the Hon. the Lieut.-Governor, for although he had not to speak in praise of a Government official, yet he had the papers upon the subject before him and had heard both sides of the question. That question was with regard to the unfinished state in which the grant-in-aid road to the Dimbula Coffee Co.'s land was taken over by the Public Works Department from the contractors. The hon. speaker's attention had been drawn to it by 15 gentlemen, who sent him a copy of their letter to the District Road Committee in which they made an emphatic protest against being assessed for the road. As to that protest he did not agree with it altogether. He was well aware that when a road was taken over by the Government from the contractors the upkeep should be assessed from that time. So he could not bear out one of the arguments of those gentlemen. But as to the unfinished state in which the road was taken over he wished to make some remarks. On the 11th May the Provincial Assistant reported on the road to the Director of the P.W.D., and in his report he said:

After my first inspection of the work on this road, I wrote to Mr. Iphinstone, agent for Mr. Talbot the contractor, who was at that time in England, informing Mr. Elphinstone that I had instructed the Superintending Officer Dimbula district to see that a better class of work was carried out on the Agra extension, and pointing out that the masonry work already done only shewed well in front, that it was not properly bedded or bonded, and that no headers were used, also that in places the road had not been cut out to the full width in the solid and that the bottoming was so roughly laid down, and without any blending of small stone, that it would require about twice the quantity of metal before a smooth surface could be obtained. He also remarked on the work done in the absence of the two contractors in England, and drew attention to the progress that appeared to be made in March on the return of one of the contractors. He (the Provincial Assistant) objected to the supervision as being bad and unskilled. He ordered his subordinate to refuse the payment for the work on that ground that it had not been properly done. Mr. Talbot, on his return to the Island, asked for an extension of time till the 30th June in order to hand over the road in what he considered a satisfactory condition. That was reported to the Director of the P.W.D. on the 11th May. The road, however, was taken over by the P.W.D. early in June, and the Director reported on the road that

The road in question has been opened for traffic since the beginning of June last, and it is absolutely necessary that its up-keep should be provided, for all new roads require careful attention after construction on account of landslips from the hill sides during heavy rains, and to keep the metal well bound together, for bullocks can not travel over loose metal. The roadway of the road was well formed and requires no more upkeep than all other newly made roads do, moreover a new road never thoroughly consolidates until it has had about six months' traffic passing over it.—18th August.

That was in face of the Provincial Assistant's report. He (Mr. D.) asked the Council to compare the two statements; to

> Look on that and then on this,
> I think you'll say 'tis *all* amiss.

Certainly such a report coming from the Director of the P.W.D. could only be acted on by the Government in proceeding with the assessment. He agreed that upkeep must immediately commence on taking over a road, but who was to pay for putting that road into proper order? He should like to know if the Director of the P. W. D. was satisfied himself that the Provincial Assistant's report was wrong and that the road was in such condition that it could be kept up with ordinary expenditure for upkeep. He had looked over the figures for the assessment, and certainly they were not of a character to lead one to suppose that they were meant to include the cost of completing the road and putting it in proper order after the report sent in by the Provincial Assistant. He might mention that the masonry work was strongly condemned by the Provincial Assistant and it had in some parts given way on the 10th July, and one half of the road was a perfect quagmire for carts on the same date. R36,000 per mile had been paid, which was the maximum for construction, and it was said it would be eventually recouped by the minimum of expenditure in upkeep. The result was that that maximum of expenditure had only resulted in the minimum of convenience and profit to those who had to pay for it. The road must cost a considerable amount of money yet to put it in order, and he would ask what funds would be available for putting the road in order? There was another point he had on very good authority as to the assessment for compensation on that road. He had a statement there that a late assessment had been made for damages for land taken over, though the assessment for those damages was included in the original assessment, and that through some mistake in the Provincial Assistant's office that money had been given to the contractors. He could not understand the meaning of that, but no doubt the Hon. the Lieut.-Governor could explain it, but it was a fact, no doubt that within a very recent date two assessors had been over the road to assess damages. The proprietors had informed him that they were not consulted as to who was to be their assessor, but both were appointed without consulting them. That was an important case, and he must say that judging from the papers before him it showed a want of supervision by the head of the department. He (the Director) received a report on the 11th May that the road was unfit for taking over and that the work had been very badly done, and yet early in June the road was taken over and thrown open for traffic.

The Hon. H. BOIS seconded the motion.

The Hon. the LIEUT.-GOVERNOR: As oppression is somewhat the order of the day to-day I am inclined to say that the Government has been very much oppressed in this case. On the one hand we are threatened with an action for damages by the contractors who made the road, who say they lost a large amount and that they were compelled to make a better road than they had contracted for, causing a

loss of R40,000; while on the other hand we have people saying it is not a good road. I am not in a position to dispute the statement that the labour the contractors had on the road at one time was not properly supervised, and that is one main reason why their claims were not listened to. As regards the discrepancy between the reports of the Provincial Assistant and the Director of the P.W.D. it may be accounted for in this way. When the report of the Provincial Assistant was received the contractors complained of the nature of the report and disputed the facts mentioned in it. The Director was instructed to go over the road and make a personal inspection. He went over it personally, and his report was made after that personal inspection. I have a further report from him now, in which he says that the road was taken from the contractors in a finished and complete state with the exception of some parapet walls for which it was agreed that R1,000 should be stopped and lines for coolies were handed over by them. No further funds are required for this road excepting the ordinary upkeep always allowed. That last statement is an answer to the concluding portion of the question put by the hon. member. The assessment made for the upkeep of the road is by no means an excessive one, especially considering that all new roads are until consolidated by use and weather a little more expensive than roads which have been under traffic for a considerable time. I confess, assuming that the facts are as stated by the Director of the P. W. D.,—and of course we must be bound by the report of our professional adviser,—I cannot but think that the planters are crying out before they are hurt. No heavy assessment has been talked of or anticipated. On the contrary, we have the assurance of the Director of the P. W. D. that the upkeep required is only the ordinary upkeep. That of course disposes of the last paragraph of the question, and as to the remainder the Director gives us an assurance that the road was taken over in a complete state excepting the parapet walls. It is difficult to decide when doctors differ, but we must follow the report of the Director after his personal inspection.

The Hon. R. B. Downall was glad to hear that no extra money would be required. At the same time he should be very much surprised if money is not required, because the report on the road shortly after its opening was that it was in a disgraceful condition. How the ordinary assessment was to keep a road of that description in order he could not see. As to the planters oppressing the Government, the construction of the road had nothing to do with the planters as the contractors had to deal with the Government. As to the other part of the Hon. the Lieut. Governor's reply, he could only say that it meant, to use plain words, that the Provincial Assistant's report was not to be relied upon. It would be hardly satisfactory to the Provincial Assistant when he read what had been said that day and found that his report was treated as mere waste paper.

THE SUPPLY BILL.

The Hon. the Lieut. Governor: I bring up the report of the sub-committee upon

"An Ordinance for making provision for the Contingent Service for the year 1881."

It might be read by the Clerk of the Council to-day, and I would ask hon. members whether it will be convenient for them to attend a special meeting to-morrow, for disposing of this bill. This course is the usual one, as it is a matter which takes the whole of a day, as a rule, and it would be well to take it up while the matter is fresh in the memory of the sub-committee.

The report was then read by the Clerk of the Council as follows:—

No. I.—ESTABLISHMENTS.—CIVIL.

PROVINCIAL AGENCIES.

Western Province.—There is an increase of 600 rupees in salaries for Negombo, due to the appointment of an extra clerk in connection with the commutation recently completed in this District under the Grain Tax Ordinance.

North-Western Province.—The Kurunegala District has been re-divided into six divisions, necessitating the appointment of an extra Ratemahatmaya and two messengers. The five divisions previously existing have proved to be too large, and it is considered advisable to reduce their extent.

Southern Province.—A gansabhawa clerk has been given to Galle at a salary of 360 rupees. The fines recovered under the existing Ordinance No. 26 of 1871 are insufficient to meet the expenses of the gansabhawa courts, and this assistance is consequently necessary. When the amending Ordinance, which it is proposed to bring before Council, becomes law, it is expected that the Village Tribunals will be better able to enforce the payment of the fines inflicted by them, and this assistance may then be withdrawn.

Northern Province.—*Allowances.*—The Committee note that a special allowance of 600 rupees has been made to Savarimuttu Mudaliyar in consideration of his long term of service, extending over a period of 60 years.

Central Province.—*Kandy.*—Under the head of salaries the Sub-Committee observe that no allowance is this year made for the salary, amounting to 7,000 rupees, of the Medical Inspector of Coffee Districts. The item has, they understand, been excluded from the estimates in anticipation of the proposed abolition of the existing system of cooly medical aid, and the transfer of the work to the Civil Medical Department.

Public Works Department.—*Salaries.*—In this Department a considerable reduction is to be noted in the sum required for salaries of superintending officers, the number estimated for being 51 as against 57 in 1880. Four divisions of pioneers having been lent to the contractor for the Nawalapitiya Nanuoya railway, two superintending officers have been told off to accompany them, in addition to which the services of four officers have been temporarily dispensed with. The Committee are not prepared to say that the reduction of the staff in this Department is unnecessary or inexpedient, but they regret to note the circumstance as indicating the postponement to a more convenient season of many useful public works throughout the Island.

Survey Department.—A saving of 11,000 rupees in this Department is accounted for by the reduction from six to three of the number of surveyors engaged in the survey of chena lands, and the discontinuance of the officer of superintending officer of chena surveys. As the question of policy involved in this reduction is one that is likely to engage the special attention of the Council, the Committee do not consider it necessary, in this report, to do more than note the circumstance.

Customs Department, Western and North-Western Provinces.—The vote of 3,000 rupees for the salary of a chief landing waiter taken in 1880 was not availed of, and experience having proved that the appointment, which was originally recommended by the Customs Commission, is unnecessary, it is not proposed to take any vote for the purpose in the coming year.

Harbour Department, Master Attendant.—*Colombo.*—On the recommendation of the Ceylon Chamber of Commerce two European pilots have been appointed to take charge of steamers and shipping entering this port. The sum required to meet their salaries accounts for the increase noticeable in the total vote required.

Post Office. Western Province.—*Colombo.*—An increase of 2,300 rupees in the salaries of clerks attached to the General Post Office is due to yearly increments and to the engagement of an extra clerk in connection with Money Order and Parcel Post system. The Committee recommend that a vote be

taken to provide for the salary of a Postmaster at Veyangoda, the desirability of the appointment having been brought to their notice.

Botanic Garden.—The existence of an omission has been discovered in the estimate for provisional and temporary services, increasing the amount required to 12,617 rupees instead of 11,867 rupees as provided, and as against 8,867 rupees in 1880. The difference is accounted for by an increment of 750 rupees to the Director, the appointment of a Cryptogamist at 4,500 rupees, and the substitution of a head gardener at R2,000 for the Assistant to the Director at 3,500 rupees.

The Colombo Museum.—The term of Dr. Müller's appointment expiring in March next, it is only necessary to provide for the salary of the Government Archæologist for the first three months of the year.

II.—JUDICIAL.

Queen's Advocate.—Provision has been made in this estimate for an Office Assistant to the Queen's Advocate. It is not intended that any permanent increase to the establishment should be created by this appointment, the cost of which will be met by corresponding savings in the re-organisation of the Department.

District Courts Itinerating District Judge.—This appointment is to be discontinued, but it is necessary to provide for the half salary of the present locum tenens until another fixed appointment falls vacant. The sum estimated represents half pay for a period of twelve months.

Courts of Requests and Police Courts.—*Maravilla.*—The District Judge of Chilaw now holds court at this populous village; provision has therefore to be made for the necessary officers.

IV.—PUBLIC INSTRUCTION.

Director of Public Instruction.—Salaries. An additional Inspector and two additional Sub-Inspectors have been appointed, accounting for the increase of the estimate for salaries.

Normal Institution.—The "Head" and "Science and Art" masterships, for which separate provision was made in 1880, have now been combined in one appointment, effecting a saving of 3,000 rupees. On the other hand, an additional assistant master has been appointed at a salary of 480 rupees.

Central Province.—*Kandy.*—It is proposed to abolish the Kandy Central Schools, the establishment of other institutions by private or missionary effort having, in the opinion of Government, rendered the longer existence of the Government schools unnecessary or inexpedient. As the whole question of public instruction will engage the attention of Council when the report of the Sub-Committee on the Revised Code is brought before it, this Committee do not consider it necessary in their report, to do more than note the financial changes and re-arrangements proposed in the various branches of the Department.

VI.—POLICE.—Since the estimates were framed it has been decided to reduce the number of native constables from 1,334 to 1,320. The total sum required will be 4-5,954 rupees. It is observed that a Registrar of Carts has been appointed, at a salary of 1,000 rupees in connection with the system of Police supervision established on the Colombo and Badulla road.

IX.—Ceylon Government Railway.—The increase in this Department of 54,240 rupees is altogether due to the opening of the line of railway from Kandy to Matale, and the necessity for providing additional staff to carry out the extra work thus thrown upon the Department.

No. 2.—Pensions and Retired Allowances.—The saving in pensions and retired allowances as compared with 1880 is only apparent, and is attributable to the fact that the vote for 1880 was over-estimated to the extent of 90,000 rupees.

North-Western Province.—

Salt.—An exceptionally large collection of salt was required for 1880, necessitating an extra vote to meet the cost of manufacturing, collecting, and storing. It is not anticipated that the quantity collected in 1881 will be so large, and the vote is reduced in proportion.

Pearl Fishery.—The vote of 50,000 rupees taken in 1880 to meet the expense of a pearl fishery was found to be insufficient for the purpose, the number of oysters fished being largely in excess of the estimated quantity. As a larger fishery is expected in 1881, an increased vote is taken to meet the estimated cost.

No. 4.—Administration of Justice.—The Committee observe with great regret that a very materially increased vote is required in this Department, as compared with years anterior to 1880. It is not anticipated that the number of prisoners for trial in 1881 will be larger than in 1880, but the vote taken for this year has proved to be quite insufficient, and the amount actually expended will probably approximate very closely to that now asked for 1881.

No. 8.—Hospitals and Sanitation.

Principal Civil Medical Officer.—An administrative change is noticeable in this department. The expenditure, which has hitherto been directed by the Government Agents of the several provinces, has now been brought under the direct control of the Principal Medical Officer, who will in future be responsible for the whole administration. It is with great satisfaction that the Committee learn that the reduction of 30,000 rupees in the estimates for Hospitals and Sanitation, as compared with 1880, is due to the fact that the health of the native population throughout the country is now so satisfactory, that it is not anticipated that a larger sum than that now asked for will be required in the ensuing year.

No. 9. (*B.*)—Prison Services.—Corresponding with the increased vote required for the administration of justice, a considerable addition has been made to the estimate for prison services. The amount voted for 1880 has proved to be quite insufficient.

No. 10.—Rent.—Agent, Central Province.—The rent of telegraph offices, which has hitherto appeared under this heading, will in future form part of the total estimate for "Telegraph Services."

No. 12.—Conveyance of Mails.—*Postal Services.*—Ceylon having been brought within the "Postal Union," a sum of 30,000 rupees is required to cover the loss on mails to London. The advantages to the public from Ceylon being now one of the Postal Union countries far more than compensate for the expenditure.

Western Province.—*Roads.*—The Sub-Committee observe that a largely increased vote is taken for the upkeep of the road between Grandpass and Ratnapura, in view of a large portion of the Haputale traffic having been diverted from the river to this road.

It appears, however, to the sub-committee that no such expenditure as the Council would be prepared to sanction for this road, in view of the, it is hoped, not far distant undertaking of the Haputale railway extension, will make the road passable during the wet season of the south-west monsoon. The sub-committee therefore recommend that the experiment be tried of placing two police stations on the Kalu-ganga for the supervision of the river traffic, and of registering the boats on their departure from Ratnapura in the same manner as is now done with the carts.

Miscellaneous Services.—Treasurer:—Cost of a census, 125,000 rupees. Some of the members of the sub-committee are not satisfied that the advantages to be derived from the taking of a census at the time provided for will be at all commensurate with the cost, and they desire that the opinion of the whole Council should be taken as to the advisability of postponing the undertaking for the present.

Government Vessels.—The Colonial Steamer Serendib has been repaired this year, but the cost of the repairs will not be paid until 1881, and the vote of 10,000 rupees is taken to meet the bill.

RAILWAY SERVICES. The Sub-Committee are glad to be able to place on record the fact that this is the last occasion on which it will be necessary to take a vote to provide for the payment of interest and sinking fund on the main line of railway from Colombo to Kandy, amounting in the estimates now under consideration to no less a sum than 696,000 rupees.

The funds now invested in England on account of the Sinking Fund will, with the addition of interest accruing and of the contributions payable in 1881, suffice to cover all further liability in respect of the debt of 350,000 pounds still outstanding, and the Colony will then be in possession of a valuable property free from all debt or incumbrance, the success of which has been almost unprecedented in the history of railway enterprise.

J. Douglas, W. H. Ravenscroft, W. D. Wright, J. P. Obeyesekara, R. B. Downall, H. Bois.

Legislative Council Chamber, Colombo 27th October, 1880.

In the appendix in schedules, the additional items to be inserted, increased, reduced, or omitted from the supply estimates, 1881, are of small consequence, save the long list for the Telegraph Department which includes :—

ROADS, STREETS, BRIDGES AND CANALS.—Works to be undertaken under the Road Ordinance. Maintenance.

WESTERN PROVINCE.—Ruanwela Ferry to Bulatkohopitiya Central road to Mulkittivu (new trace)—Vote of R4,500 to be increased to R7,474—R2,974.

CENTRAL PROVINCE.—Kandy to Harngama—Vote R6,000 to be reduced to R5,419; Harngama to Kurundu-oya—Vote of R24,892 to be increased to R25,482.

Director of Telegraphs R4,800; Assistant Superintendent R7,000; Sub-Assistant Superintendent R3,500.

One clerk R1,260; one clerk Superintendent's Office R600; Cashier R960; Inspector, Colombo 1,200: One Sub-Inspector R360; One Sub-Inspector R360; Inspector, Mannar R1,440; Sub-Inspector R300; One senior check office clerk R960; One junior check office clerk R660; Printer R600; Book-binder R240.

One Telegraph Master, Colombo (Superior Grade) R2,340; Galle (Superior Grade) R1,884; Kandy (Good Grade) R1,824; Mannar R1,560; Trincomalie R1,560; Nuwara Eliya R1,464; Batticaloa R1,464; Nuwaraipitiya R1,256; Jaffna R1080; Gampola R885; Anuradhapura R864; Badulla R720; Matale R1,944; Kalutara R568; Three Deputies for Colombo at R568 each; One Kandy R528. Besides 19 signallers at from R504 to R1,560 each; messengers, peons, contingencies and allowances, the total being R111,500 for the Telegraph Department.

POLICE ORDINANCE AMENDMENT.

The Hon. the LIEUT.-GOVERNOR moved the first reading of the following bill :—

An Ordinance to amend the Police Ordinance, 1865.

He explained that the ordinance was merely to amend a defect pointed out by the Supreme Court a short time ago, arising from a conflict of two clauses of the ordinance of 1865. Clause 10 of that ordinance made provision—a very useful one—that where a district is in a state of lawlessness a police force could be sent to the district and quartered on the inhabitants, who had to pay for their police force; but on coming to the recovery of the expense, clause 27 provided that if upon demand a person refused to pay the sum due by him he could be sued when the force so sent was an "additional" force. This conflict in the law has paralyzed the recovery of any assessment. It had been thought advisable to introduce clause 2 for the reason that when a force was established objections were constantly taken to the cost of the police. People said that the police did not cost the amount charged and that they were assessed too high. It had therefore been thought better to make everything clear by taking a low fixed average of the cost to be recovered under the ordinance. Those were salutary provisions, and he moved that the bill be read a first time.

The Hon. the QUEEN'S ADVOCATE seconded.

WHARF AND WAREHOUSE ORDINANCE.

The Hon. the LIEUT.-GOVERNOR moved the first reading of

An Ordinance to amend and continue the Ordinance No. 10 of 1876, intituled 'An Ordinance to repeal the Wharf and Warehouse Ordinance, 1865, and to make further provision for the establishment in Colombo and regulation of a Company to perform the duties of Wharfingers and Warehousemen,'

He said: This is a subject which has been very fully before the Council already, and it was agreed in last session that we should continue for another five years the arrangements with the Wharf and Warehouse Company, but that the ordinance should be re-introduced this session to give them the power of revising certain rates and charges in the schedule attached to the original ordinance. The Company has revised and reduced almost throughout those rates and charges. The schedule has been referred to the Treasurer and Principal Collector of Customs, and they report that the charges are reasonable. I propose to take the first reading now and the second reading in a fortnight, in order to give the Chamber of Commerce a chance of considering it.

The Hon. the AUDITOR GENERAL seconded.

SUPPLEMENTARY CONTINGENT CHARGES, 1879.

The Hon. W. H. RAVENSCROFT: I rise, sir, to move the first reading of an ordinance entitled

"An Ordinance for making final provision for the Supplementary Contingent Charges for the year 1879."

As the Council, I believe, is aware, this bill is required to enable the Audit Department to close the accounts of the Colony for the year 1879. The total amount required, viz., R96,479·91, is below the average amount of any similar bills for the past five years. In the schedule attached to the ordinance will be found the details of the charges under the various heads of expenditure, and those items that appear to call for some explanation are :—The sum of R3,437·42 under the head of Contingencies, Railway Department, is required to meet excess on votes for over-time pay and night allowance to engine drivers, certain of these men having been employed over-time to make up for loss of the services of four drivers lent to the Government of India: corresponding savings were effected under the head of salaries; R10,096 under Pensions, to the Treasurer to meet payment of pensions by the Government of India for two quarters of 1878, brought to account in 1879; R1,622·38, under Revenue Services, Law Prosecution, required to meet unforeseen expenditure in a case decided against the Government; R3,329·49, under the same head for assessment tax on public buildings. The original vote was insufficient to meet the charges, which were swelled by payment of assessment on certain public buildings in Nuwara Eliya not paid in former years; R13,335·25, under Miscellaneous Services, the Crown Agents, for passages of officers and purchase of a larger supply than was estimated for, of postage stamps, envelopes and newspaper wrappers; R8,950·85, under Interest, for interest on temporary loans, on account of advances from the Bank of England, pending raising of loans for the Matale and Nanuoya railways; R3,451·25, Colonial Store, Crown Agents for purchase of stores in excess of the amount originally provided; R7,668·81, Government Vessels, Agent, Colonial Steamer "Serendib" due to the cost of a cargo of coal paid for in 1879, but for use in 1880; R5,564·78, Refund of Duties, Treasurer, due mainly to establishment of Local Board at Puttalam and Badulla. With this explanation, I beg to move the first reading of the ordinance.

The Hon. the TREASURER seconded.

LICENSED BOATS AND BOATMEN.

The Hon. the LIEUT.-GOVERNOR proposed that the Council resume consideration in Committee of the following Bill :—

"An Ordinance for the regulation and government of Boatmen employed in Licensed Boats."

The Hon. the QUEEN'S ADVOCATE moved that the following clause be inserted as the 2nd clause:

This ordinance shall extend not only to the port of Colombo, but the Governor, with the advice of the Executive Council, may extend it to any other port or ports over which the provisions of the original ordinance extends.

It was intended to limit the working of the ordinance at present to Colombo, but afterwards if necessary to extend it, it would be easy to do so. The hon. and learned member then proceeded to move the insertion of a clause which he had at the last meeting of Council promised to insert. That clause provided that the term licensed boat should mean any licensed boat when employed in carrying passengers. He proposed the insertion of the clause in deference to the wishes of hon. members who wished that the provisions of the act should apply to passenger boats alone. He had carefully examined the Master Attedants Ordinance and although not expressly stated, yet he thought the ordinance contemplated that passenger boats should be distinct from cargo boats, as distinct reference was made to "passenger boats *and* cargo boats." It was necessary to state in the license the number of passengers a boat could carry, and there a difficulty might arise, especially when a cargo boat went out to a steamer which happened to have on board passengers waiting to land, but no cargo. Then, unless there had been a previous arrangement, that boat could not bring passengers ashore. He thought the clause might lead to inconvenience and would prefer, if possible, that all licensed boats whether passenger or cargo, should have licensed men on board.

The Hon. the LIEUT.-GOVERNOR thought the clause would secure just what they wanted. Ordinary passenger boats were already licensed, but the coolies, the very people they wished to protect, who came and went in large numbers from and to India by B. I. steamers, were generally sent in cargo boats not licensed as passenger boats, and the object of their legislation was to provide that in that case the boatmen of those boats shall have licenses in order to have some hold upon them to prevent them levying black mail as they do now.

The Hon. H. Bois suggested the addition of the words "or hire" in the clause applying the term "licensed boat" to "any licensed boat when engaged in carrying passengers."

The bill was ordered to be reported as amended, and referred to the law officers of the Crown, the third reading being fixed for the next meeting.

The Explosives and Stamps Bills were postponed.

The Council then adjourned.

THURSDAY, OCTOBER 28.

Present :—His Excellency the Governor, the Hons. the Lieut.-Governor, the Major-General, the Queen's Advocate, the Auditor-General, the Treasurer, the Government Agent, W. P., the Surveyor-General, the Principal Collector of Customs, J. Van Langenberg, J. P. Obeyesekera, P. Râma Nâthan, R. B. Downall, F. Mackwood, and H. Bois.

Absent :—The Hon. the Government Agent, C. P.

THE SUPPLY BILL.

The first item which caused any remark was the addition of R1,740 to the item of R80,768 for the Post Office. The Hon. F. M. MACKWOOD then called attention to the great discrepancy of the estimate for Postage between that of the Hon. the Colonial Secretary and of the department. The latter was Rs. 34,925; last year it was put at Rs. 17,000 and the Colonial Secretary now put it at Rs. 245,000 or seven times as much as the first named.

The Hon. the COLONIAL SECRETARY: I have explained the discrepancy already in introducing the supply bill this year. The postal revenue derived by postage stamps figured in former years under the head of Stamps, and the postal revenue collected under the head of Stamps was estimated by the Postmaster-General under that head. I have thought it well, in order that we may all know what the Post Office is doing, to transfer Stamps to the head of Post Office, and the hon. member will see higher up the sheet that there is a great decrease in Stamp revenue. That accounts for the discrepancy.

An increase of R600 in the office contingencies for the Government Agent, N. W. P., was explained as being payment for an extra clerk to bring up the deposit accounts which are in arrear; the consequence would be an increase of revenue more than sufficient to pay for the cost.

A decrease of R1,350 in the P. W. D. vote was due, the Hon. the Col. Secretary explained, to the removal of a superintending officer whose services were not required.

The vote for the Medical Department was reduced from R157,534·99 to R152,734·99. That was a reduction which had escaped the attention of the hon. the ColonialSecretary when he introduced the supply bill. A certain number of pioneer Medical officers were borne on the medical establishment, and, by the transfer of pioneers temporarily to the new railway, the payment of the officers of course fell upon the contractor; hence the reduction.

The CONVICT ESTABLISHMENTS vote was increased from R42,302 to R42,602, which was met by a corresponding decrease on the Police Establishment.

The reduction of R. 11,000. the salaries of Chena Surveyors was the subject of comment. The Hon. the Government Agent W. P. said the sub-committee had reported as follows :—

As the question of policy involved in this reduction is one that is likely to engage the special attention of the Council, the Committee do not consider it necessary, in this report, to do more than note the circumstance.

A report had lately been sent to Government on the question of the chena survey and it had there been pointed out that the survey would be finished in two years. A large amount had been spent already in the survey and it would not be advisable to reduce the vote, until the work had been completed at least in Three Korales. If the question of chena survey was to be brought specially to the notice of the Council hereafter and if it would be possible to re insert the item of Rs. 11,000 in a supplementary bill, after discussion of the subject, then he should be glad to let the matter stand over.

The Hon. the COLONIAL SECRETARY said the reduction had been made in consequence of a report from the Government Agent forwarding a report from the Assistant Agent at Kegalla, showing that the surveys were of little or no good, but that a change in the system must be made by which the surveyors would have to be followed, as it were, by an administrative officer who would settle land tenure with the people as the surveys went on. It was therefore thought unnecessary to spend, in these hard times, money which they could not utilize at once, because there was a very large amount of work for an officer to do before any further surveys could be gone on with. When they would be in a position to bring an ordinance on the subject before the Council he was not prepared to say. It was merely that they were anxious to save all the money possible this year, and that they saw that the chena staff could be very much reduced without doing any harm to the work being carried on.

In consequence of a recommendation of the sub-committee that an extra ratemahatmeya and two messengers be appointed to the new sixth division of the N. W. P., the vote for the Government Agent was increased by R760.

The Principal Civil Medical Officer's vote was increased by R3,250; as it was found necessary to re-insert provision for a hospital between Negombo and Chilaw. Mr. de Soysa had made a present of the hospital to the Government, and a vote for providing the necessary current expenditure was taken in 1878

and 1879, but as the Hon. the Lieut.-Governor had thought the hospital would not be finished he had not inserted the vote in the Supply Bill. However he found that the hospital would be finished on January 1st 1881.

Provision was also made, in accordance with a recommendation of the sub-committee, for police supervision on the Kelani river with a view to checking robberies of produce during transit.

The vote for conveyance of mails and postal services was reduced to R278,966 in consequence of the letting of some mail contracts at a slight reduction.

The Hon. the COLONIAL SECRETARY asked the Council to allow the Director of Public Works R1,200 for the erection of three latrines at Badulla. The local board at Badulla was doing a good work, and as it had asked for the latrines the Government was anxious to show the board that it wished to help where possible in the work so urgently needed.

The next addition was that of R2,600 for fittings for the chemical laboratory at the Normal School, Colombo. Nothing had been included in the original estimate for fittings and the laboratory was perfectly useless without them.

Under the heading of Roads Maintenance, Western Province, R2,700 was added for the road from Ruwanwella to Bulatkohopitiya, and R2,000 for the road from Hanwella to Bope.

The maintenance of five roads in the N. P. was slightly increased, the Lieut-Governor remarking that these roads are now let on contract, and they had to provide the exact amount of the contract.

With regard to the vote of R60,000 for irrigation works, the Hon. R. B. DOWNALL enquired as to what works that amount would be spent upon.

The Hon. the COLONIAL SECRETARY: It is proposed to spend it upon the repairs of village tanks mainly in the N. C. P. When the villagers in the provinces have done a great deal of work in the earthwork repairs of their tanks we are bound to keep faith with them in putting in sluices in those tanks. This vote is intended almost entirely for sluices for village tanks.

The Hon. the GOVERNMENT AGENT, W. P., asked whether in future the maintenance of roads expenditure could not be recorded according to districts. For instance one road was put down as from Grandpass to Kadugannawa, which road passed through two districts, Colombo and Kegalla. Under the ordinance it was made compulsory that the two-thirds of commutation voted to the public roads should be spent within the district or districts where the people who paid it lived, and where the labour might be required to be performed. The expenditure on those roads was submitted in estimates prepared by the Provincial Road Committee and so long as they were adhered to there was no danger of the money being improperly distributed, but the estimates for those roads had been altered of late years and it would be well that all should be mentioned strictly according to the districts through which they passed in order that the Council might see that the ordinance was properly worked.

The Hon. the COLONIAL SECRETARY was sorry to say they had been making the change rather in an opposite direction this year. If anybody would take the trouble to look at the last year's estimates they would see, for instance, in the vote for the Wellawaya and Tanamawila road that the cost was given by itself. The sections were put in district by district instead of taking up the whole road—the Ratnapura road for instance—and carrying it right through as far as it went from end to end. They had now thought it much better to have the roads province by province and enumerated from end to end. He did not think there should be any difficulty with the Provincial Road Committee, as they could arrange their accounts separately, but the whole road was mentioned in continuity for convenience of Council.

THE CENSUS.

Upon coming to the item of R189,000 for the Treasurer, including R125,000 for taking the census in 1881, the Hon. R. B. DOWNALL said he would draw the attention of the Council to the remarks of the sub-committee on the subject. The cost of the census was to be R125,000, and some of the members were not satisfied that the advantages to be derived would be commensurate with the large amount of money to be spent. He thought therefore that the advice of the Council should be taken as to the advisability of taking the census next year. As to the opinion of the Council being taken, he felt bound to say that the sub-committee would have been divided upon the question, but they were given to understand that the question would go to the free vote of the whole Council. However, since then it appeared that the Government had thought it better to change their position and so it being now a Government question all the unofficial members could do was to protest against the census which they considered, if taken at the time proposed, would not be worth the expenditure proposed to be spent upon it. In the first place one objection arose as to the time at which it was to be taken. There were a great many immigrants here from India, and it was very necessary that we should take our census at the same time as in India. Such was not the case, however. We propose taking our census in one month and India takes its census in another month. It was very evident that difficulties would arise in that way, because the coolies who were absent from India might be counted here and return to India and so be counted twice. As to the usefulness of the census he would refer to the remarks of His Excellency in opening Council, where he said :—

> No census can ever be accurately taken without the willing co operation of the people themselves.

He maintained that they would not have the willing co-operation of the people: they were opposed to a census in 1871, and would be equally so in 1881. He had made enquiries from native headmen and others and found that to be the case. In Matale the natives were getting up petitions to Government against taking the census. When the census was taken in 1871 the suspicion then about was very strongly represented in the report of the Commission :—

> Undoubtedly the Census was at first regarded with suspicion by the population, not only of remote districts, but of the largest towns in the Colony. Nor is it a matter of surprise that such should be the case. The most generally adopted opinion was that the enumeration would form the basis for levying a new tax.

One effect of the Census has been an increase in the number of marriages registered. An idea was prevalent that the object of the Census was to discover the number of unmarried youths, with a view to their being exported to Europe, which has been denuded of its youths by a great war. In Three Korales and Kiraveli Pattuwa marriages were registered for some time in great numbers, and I have no doubt that the matrimonial tie has since been loosened with equal celerity.

So the fact of the matter was that the Government measure induced a state of immorality which it was hardly desirable for the Government to be the author of. The hon. the Sinhalese member would remember well and could bear him out as to the effect of the 1871 census. In the Northern Province the Agent wrote:

> In the Vadamaradchi District there was a great panic, which was only allayed by the exertions of the late Magistrate, Mr. Simpson. In the Islands division there was a determination amongst some of the people not to sign the returns; and the Acting Magistrate was obliged to make an example of one householder, and fine him. So that it was only by extreme measures that an attempt could be made to number the people. Then in other districts, in one the story circulated was
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> To the effect that the able-bodied males were to be transported to France to fill up the gaps caused by the late war, and that three ships had arrived to carry them off; and it was with the greatest difficulty that the poorer classes were prevented from running away into the jungles. Many, I believe, did conceal themselves, and were not, in consequence, registered. In the Pachchilaippalli and Karachchi division the people were also much alarmed by the rumours that had been put into circulation amongst them; and it was only on my earnest entreaty, and my promise that no injury should be done them; that I could persuade them not to abandon their homes.

That would be sufficient to prove that the census was not a complete return and unless the return was complete, as His Excellency had remarked, it would be useless. The cost came upon them in a year when the Hon. the Colonial Secretary said in his budget speech— "Regarding Public Works there is nothing to note", but in that speech he could not find any mention made of the census. So at the time of making his financial statement he evidently did not attach much importance to it. The cost, he reminded them, was R125,000, and in India in 1871 a census was taken of 67,000,000 people at a cost of R200,000, while in Ceylon in the same year to number 2,406,262 people it cost R99,087, and now it was proposed to spend R125,000, which they might perhaps be told was not enough. It required three years to prepare for the last census, and after, as the Acting Registrar General remarked, "he never ceased from a steady course of silent and observant if unobserved, preparations," which commenced in 1868. The outcome of those years of silent and observant if unobserved preparation was in 1871 when was taken what they were pleased to call a census of the people of Ceylon. As to the incorrectness of that census he was sorry he had not the report longer before him, or he could have pointed out where it was perfectly inaccurate. However, during the short time during which he had the report with him he was only able to refer to one or two points which suggested themselves. One was that even in the simple task of counting the estates they were wrong in some districts. In one they had entered 49 estates where there were 55, and in another they said there were 42 where there were really 56, so that taking 100 coolies for each estate they had omitten 2000 coolies. He left it to them to consider whether other equally grave mistakes did not occur in other parts. As to the expense, he would refer to the suggestions made in the report of the 1871 census. There, after deep consideration and experience of the census, many valuable suggestions were made, and he should be glad to know if those suggestions were to be acted upon. The Commission had suggested there should be a permanent office to start with. He had seen a good deal of money had been spent for a large hall for the purpose of an office for the coming census. A translation of the schedules at the local kachcheries, it was said, would save a year's time and also R11,000. He should like to know if that suggestion were to be acted upon: otherwise the making of the suggestions was of no use. The reason for taking the census he had failed to get from anyone, except from the energetic officer who had the work placed in his hands. He gave several reasons and ended by saying that there were many more which he had not time to write down. His first reasons were what he termed reasons personal to Ceylon that if not taken in 1881 the past expenditure to some extent would be thrown away. He (the speaker) thought that if the officer in charge of the census had said the chief reasons were personal to himself inasmuch that if the census were not taken he would have to go to duties less agreeable, he would have been more correct. Then he said that expenditure had been already incurred in preparing for the census. A large hall had been in course of repair for a considerable period and if the census were not taken it would be to lose all that. But by preventing that loss they would be letting themselves in for an expenditure of R125,000. He had asked numbers of people, natives as well as Europeans, as to the benefits of a census. There was but one reply and that was there was not the slightest use in taking it, and that they ought not to spend that money in a year when they could not afford it. Another reason given in favour of the census was that the census was being taken by all the colonies. In 1871 in the Straits no such census was taken, and the Australian colonies did not propose to take one in 1881, so that as to its being necessary for the colonies to take it at the same time that argument fell through. As to the form in which the Ceylon census was to be taken, if taken at all it should be done in a more complete way than before. In the olden times, in the times of the Romans, when the census took place, not only were the people numbered, but their possessions were recorded and their ability to pay taxes reckoned accordingly. He thought this addition to any census would be of great value. Reverting to the saving of expense, they were considering a bill dealing with several millions of rupees and yet the Colonial Secretary said that in it there were no public works worthy of note provided for. He (Mr. D.) maintained that if the R125,000 were taken for irrigation works for which they had just been told only R60,000 had been voted this year for adding sluices to village tanks so as to carry out promises made by Government, they would be improving the condition of the people and raising the revenue of the Colony. But if spent in the census it would be a loss, and no benefit to the people or Government would accrue. It had been very truly said the other day by one of our great statesmen that "it was of no use Parliament proposing great schemes and incurring great expenditure, if they outran public feeling." Those words applied to this Government, for during the last few years great schemes have been proposed, and great expenditure had been incurred which *had* outrun public feeling and although the opponents of the vote would be in a minority, still they represented the taxpayers of the country and as representing them they would maintain their right so that it could be recorded, although they could not carry a vote against the majority of the Council. They would therefore protest against the money being taken for expenditure on a work which would be of comparatively little use. As to the vote to be taken that day, it was a matter of great regret that it had not been made an open question. He was glad to see one hon. member had absented himself and so by his absence recorded his silent vote against the expenditure. The hon. speaker thought it would have been more consistent with expressions used outside that house if another hon. member had absented himself. Unfortunately when they had a question which was not an open question they had to work against a certain majority. They were somewhat like the Conservatives in the present House of Commons, and always had an overwhelming majority against them, and a majority which from the constitution of the Council as far as the official members were concerned could never represent independence of judgment. Hon. members would that day, be believed, vote that money away, but at all events they as unofficial members and representing the taxpayers of the country and he for himself, representing the community from whom the greater part of the revenue is derived,—though it was no use to do so,—would protest against the money being spent for this purpose. He moved "That the item be struck out of the bill."

The Hon. H. BOIS seconded. His hon. friend the member for the planting interests had to a great extent anticipated what he (Mr. B.) had to say. He concurred generally in the remarks made. His opinion was stated in the report of the sub-committee, that the benefits to be derived were not commensurate with the expenditure. He could not see, nor had he yet been able to learn that any important administrative or fiscal benefit had been derived from the census of 1871, or was anticipated from that of 1881. If thus census were one of a series extending over say half a century he thought that would be a strong reason for not breaking the continuity, but it was only the second in a series, and it was almost not-

orious that the 1871 census was a very incorrect one, and for the purposes of comparison almost useless. In fact any comparison between the two would be just as likely to lead to a wrong inference as to a correct one. It had been stated that a census had to be taken throughout the Empire and that it was necessary that we should not prove the exception. The argument against that was that our census was not be taken at the same time, and where the dates did not correspond he could not see that any comparison made between the different colonies or countries would be of any use. Moreover he did not know that it was a fact that all the other colonies did intend to take a census in 1881. His chief reason, however, for objecting to the vote was that the benefits to be derived were not commensurate with the expenditure. Coming to narrower ground, he said that other works of relatively greater importance had been postponed. Another argument had been that if they did not take the census it would be a plea of poverty on the part of the Colony. He did not think that any interest was taken outside the colony as to whether the census was taken or not. But he submitted that that had no weight in view of the statement that the expenditure was to be incurred under pressure. He contended that the credit of the Colony could be kept up without taking the census. As to the part of the expenditure already incurred he did not know whether they could fairly accept that argument. If it were urged it would amount to a breach of privilege of the Council in connection with which the hon. member for the Burgher community might have something to say.

The Hon. F. M. MACKWOOD expressed his approval of the remarks made by the two hon. member who had just spoken. They were unfortunately this year in the unfavourable position of having to curtail works of a reproductive nature, and yet there was before them that vote, which in itself involved certainly the minimum of utility. He thought it would be an extreme misfortune for this Colony if in face of the curtailment of their public and reproductive works they spent such a large sum upon a census.

The Hon. J. P. OBEYESEKERA begged to support the motion of his hon. friend the member for the planting interests. He had been appealed to by his hon. friend as to the manner in which a measure of that kind would be met by the Sinhalese community whom he had the honour of representing, and he had no hesitation in bearing out his hon. friend as far as his remarks related to the panic which occurred at the last census. He could not, however, but disagree with him in supposing that a repetition of that panic was likely to take place at the present day, because the people had found out the mistake they were labouring under in 1871 and were now better able to understand the object of the scheme under discussion. He might further state that the fruits of the last census were still to be found in villages in the interior, in various disruptions of family connections, and in married people living separately from each other. At the time when the last census was taken people were under the impression that all the unmarried people were to be enlisted to be sent abroad for some war, and in order to prevent their having to go abroad, parents went off to the offices of the Registrars and had their children married, although very young. Those young people had grown up and after having found out the cause of their union had repudiated the solemn engagements of matrimony that bound them and were now living immoral lives. There was not a large number of divorce cases, as unfortunately those people owing to want of means could not to go the courts. Those separations were facts which would not bear contradiction. He did not think that if a census were taken at the present day it would be productive of similar results. As to the financial state of the Colony he thought they should postpone the prosecution of that measure at the present day. It had been admitted by hon. members and the Government that the finances of the Colony were in a very depressed state, and if that were so as to render Government unable to carry out important works which would conduce to the material prosperity of the Island, he thought that a work of such a nature as a census should be postponed. When they were in sub-committee the question arose as to the object and the advantages of a census, and he regretted to say that, although that question was repeatedly asked by the three unofficial members who sat upon that committee, there was no argument given in its favour except that a census was being taken all over the British Empire and this would be regarded as a very backward colony if the census were omitted here. If that was the only reason, he could not but confess it was a very meagre one. They were unable to spend R125,000 at this moment on such a work, and if that was a fact why should they assume an air of prosperity instead of boldly confessing the state they were in? Other colonies might be under this depression and have a census, but, if other colonies were so reckless as to spend large sums of money which they could not afford he saw no reason why we should take them as our example. He felt that Ceylon could very well hold its own in the matter of judging regarding the expediency of a Census at the present time and set an example for other colonies to follow so long as it was sanctioned by everything that was reasonable and right. He need not go any further into the matter, but there was one objection which the Registrar General seemed to urge against the dropping of that vote which seemed to be a very curious one. He (Mr. O.) had looked over a list of the objections said to have been urged by him, on the previous day, and among them was one that a part of that vote had already been spent. That involved a great question of privilege. If a part of that vote had already been spent, he thought it was action which aimed at the very root of one of the principal privileges which the minority of that house were in the enjoyment of. Sums of money, it had been distinctly understood, collected from the taxpayers of this country could not properly be spent without first obtaining the sanction of the representatives of those taxpayers. That was a long-standing privilege, but it appeared to be one of the principal reasons urged against the cancellation of that vote that money had been spent. If that were so then the argument lost all its weight in that the expenditure had been made in an unwarrantable manner; and he thought the unofficial members of that house could do nothing less than enter their protest against that expenditure on account of the census. That, however, was a matter which the hon. the member for the Burgher community was more competent to enter upon than he was, and he would leave him to do so.

The Hon P. RAMA NATHAN said he had listened with great attention to what had fallen from his hon'ble friends, and could not make up his mind to go with them. They said that a census was useless because it was not accurate. He (Mr. R.) did not think that in such matters strict accuracy was attainable. All that was attainable was an approximation to accuracy, and even that state was not to be attained unless several attempts were made. Want of accuracy therefore was not a satisfactory reason for avoiding a census. The next objection urged by his hon. friends was equally untenable. A census they said was not advisable because the people of the country were unwilling to submit to enumeration, believing that it was made for the purposes of taxation or enlistment of them as soldiers. These were wrong notions, and it was the duty of every right-thinking person to stamp them out. Besides, did his hon. friends mean that because the people entertained these notions therefore a census was never hereafter to be taken

As he understood them, they did not go that length, but only that the taking of the census ought to be postponed. Where then was the force of their argument? If a census might be taken at some future time, why should it not be taken now? The real objection to it was that the money required for it might with more profit be devoted to public works. He (Mr. R.) quite agreed with that view of the case. If the sum of R125,000 sought to be appropriated to the census would be expended on some public work, especially irrigation work, of immediate utility to the Island, he would gladly vote against the census, and for the irrigation work. When the hon. member who represented the planting community pressed him to vote against the census, he (Mr. R.) repeatedly asked him if he could obtain an assurance on the part of the Government that the money would be expended on some public work of utility. In the absence of that guarantee, he (Mr. R.) could not forego the census. It was a choice between two evils,—

Hon. Mr. DOWNALL: The census is an evil. Which is the other evil?

His Excellency the GOVERNOR: Order.

Hon. Mr RAMA NATHAN (continuing) said he could not be without the public work and at the same time forego the census. If the Government would take in hand some pressing irrigation work in lieu of the census, he would gladly vote against the census in favour of the irrigation work. But, as it did not appear that the Government would undertake any irrigation work of any magnitude, he felt bound to give his assent to the taking of the census. The census was not without its use. It was desirable and indeed necessary on several grounds. Without it, we would have nothing to indicate the progress and prosperity of Ceylon, nor any means of comparing ourselves with the other nations of the world. A census was also useful in matters connected with the incidence of local taxation, sanitary improvement, and for a variety of other purposes. Under these circumstances, he would support the Government.

The Hon. J. VAN LANGENBERG said that he found that the sub-committee and his hon. friends who had spoken had assumed certain statements as facts, and before he made further remarks upon the subject he should like to know whether that assumption was based on fact, and whether part of that vote had been spent.

The Hon. the LIEUT.-GOVERNOR: None whatever.

The Hon. J. VAN LANGENBERG: It has also been assumed that this is to be a Government measure.

The Hon. the LIEUT.-GOVERNOR: It will be a Government measure, but I should like to explain that afterwards.

The Hon. J. VAN LANGENBERG resumed: It was not encouraging to any speaker to have to address an audience with the consciousness of an adverse majority being against him, but, whatever might be the result of that discussion, they would like to put upon record their views upon that question. The sum of R125,000 was a very large sum, and if simply an abstract question as to whether the census was to be taken or not he should certainly vote for it; but it must be considered that it had been stated from time to time that works of great utility to some extent sanctioned by that Council had to be abandoned because the finances of the Colony would not admit of them. If they had to determine upon the comparative merits of particular works they should certainly say they could not allow the work of a census to pass if other works were abandoned. In that view he asked the attention of hon. members to the vote. He did not lose sight of the fact that the Census Ordinance of 1880 was laid before the Council and read the second time, and that the Ordinance had been referred to a sub-committee for report. At the time when that bill was read the second time there was no objection offered to the principle of the bill, and it was but fair that the unofficial members should now be allowed to state their reasons. It was stated that if the bill was passed the Government could then gain considerable time in the consideration of that particular measure. It was mentioned that the proper time to mention objections was when the vote was taken in the Supply Bill. It was stated that Government would not be in a position to act simultaneously with India. There could be no doubt that the census would be a great advantage in a statistical point of view, but he considered that the greatest benefit accruing from it would be the numbering of the immigrants. In March many of those immigrants would be going to India and later on they would be coming from India. If the census were taken at the same time as in India there would be some advantage. He did not wish to offer any particular objection to the census itself, but the ground upon which they based their objection had been well stated by hon. members: that the present state of the Colony was such that they ought not to sanction what would be a work of doubtful utility in substitution for works of acknowledged utility. The hon. member for the Tamil interests had given a half-hearted support to the measure because he was not convinced by the hon. the planting member that the Government would give a guarantee that the sum would be spent in other works. If the Government did that he (Mr. R.) would support the rejection of the vote. They were placed in the position that the Government could get the votes of all the official members of Council in carrying that vote, and then to ask that the Government should actually give such a guarantee was expecting too much from them. If they (the unofficials) were in a position to bring forward any measure and by a motion in that Council move that the money should be appropriated in some particular way then his hon. and learned friend would have some reason for asking for a guarantee, but to ask for a guarantee from the Government which would furnish an argument for opposing its own measure was expecting too much. All they could do was to ask for the rejection of the vote and so throw upon the Government the responsibility of applying the money. The unofficial members had only to point out that certain items should or should not be allowed. Any observations as to a part of the money being already spent would not be applicable after the statement of the Hon. the Lieut.-Governor. Otherwise he should have had to draw the attention of Council to that question. He would support the hon. the planting member's motion.

The Hon. the LIEUT.-GOVERNOR: I don't think that there is any impropriety in the Government making this an official measure when it is remembered that all the officials present to-day, with the exception of one, voted for the second reading of the bill for taking the census, that bill being brought in to obtain powers for the census, and also specially for the power to take the census in the coming year. I find that the hon. members here on that occasion were the Lieut.-Governor, the Major-General, the Queen's Advocate, the Auditor-General, the Treasurer, the Surveyor-General, the Principal Collector of Customs, J. P. Obeyesekera, J. VanLangenberg, P. Rama Nathan, H. Bois, and F. M. Mackwood, the only unofficial absent being the hon. member who represents the planting community. I believe it is quite true that I did mention on one occasion to the hon. the planting member that the proper time to resist this ordinance would be on the occasion of taking the vote for the expenditure, but my impression is that that was after the second reading had been taken. At any rate, no such objection was taken by unofficial members at the second reading. As regards the various points brought forward one very important one was the question of time, and it has been assumed that we were pledged to a specific time different from the time at which the census will be taken in India. Of course the question of time was

one for consideration in sub-committee when they had to deal with the bill, but we are not wedded to time. It has been proposed to take it as near as possible to the time at which it is to be taken in England and the other colonies. But if it is thought advisable to take it at the same time as in Southern India there will be no objection on the part of the Government. We cannot take it exactly at the same time as *India*, because it will be taken there at various different times, but it is important that we should take it at the same time as Southern India. As to the terror to the native population, I think that has been tolerably well disposed of by the hon. the Sinhalese member. No doubt that at the first time of taking it the census did cause considerable terror. In England it did. Reference to holy writ will show what the apprehension was when the King of Israel ventured to number the people. I find that in India it created a terrible panic;

An even more exaggerated and fantastic form of the same legend gained currency in one district of Bengal, where it was rumoured that all unmarriageable girls were to be taken down to Calcutta, there to made over to some general sahib whose name had not transpired; and he found that Her Gracious Majesty herself had not been altogether spared; for she had been credited with sending for a number of young virgins, to fan here in what was apparently supposed to be the hot climate of England. But the most absurd rumour of all was one which obtained circulation in Travancore, where it was believed that a compact had been entered into between the Maharajah and the Viceroy that the Maharajah should supply a certain percentage of his subjects to be given to a monster whose food was human flesh and blood, and who in return—so we were told—vacuated large quantities of gold bullion.

We have not been able to make any such profitable investment of our census in Ceylon and I don't know that we can even get gold bullion as it was thought would be done in India, but at any rate this has not deterred the Government of India from taking the census in the coming year. The Government evidently think the people know better now. It is clearly a thing which will excite some terror at first, but natives are not quite so foolish as the hon. the planting member would wish us to believe. Then as to the comparison of rates, the reason why the census of India was taken at so cheap a rate was that they did not pay the enumerators. I am afraid that if we did not pay our enumerators we should have some more charges of oppression and have a very long debate on the subject in Council. I think that the real ground for taking it is that we are acting as an arm of the British Empire. I think when this Colony is called upon to act as one of a great system like that of the British Empire we should not hesitate to join other colonies in doing what I believe they are doing. I believe it is true that in one or two of the Australian colonies they are postponing it for another year. This of course we cannot do here, because we must take it at about the same time as India. Therefore it is a question of now or ten years hence. I don't think this Colony should draw back and say we are too poor to do what colonies poorer than we are doing. In the Straits no census was taken in 1871, but next year they are going to remedy it and join the British world, if I may so call it. I don't think I need detain the Council at any length on this point, because the subject has been pretty thoroughly discussed, and I don't think there can be very much to say to show we ought not to act as a part of the general British Empire.

The Hon. the GOVERNMENT AGENT, W. P., wished to show that he was not giving his vote on the question simply because it was said to be a Government measure. Indeed until the Hon. the Lieut.-Governor made the announcement he was not aware of the fact. He came there thoroughly prepared to give his vote in the same way as he should now give it. He contended that the census was desirable, and he was glad to find that even those members who had spoken against it were willing to admit that there were certain advantages to be got from the census. He contended that no legislative act whatever could be properly passed without they had a full knowledge of facts which could only be obtained by a census. That the value of a Census had been properly appreciated in this Colony in common with most countries was shown by the fact that they took the census in 1871. To render that census of any value they required a second census for purposes of comparison. He considered it no argument to say that as the first census was incorrect—which he questioned—the second would be of little use. He had seen it most distinctly stated in the report of the Registrar-General that the first census was on the whole a most correct one, and he saw no reason why the coming census should not also be fairly correct, and so enable them to make comparisons with 1871 to ascertain certain facts and statistics on which all sound legislation should be based. He quite agreed that some alteration of time should be made so as to take the census at the same time as that of Southern India. But that it should be in 1881 he should certainly contend for. He reminded them that the benefit of the census would not only accrue simply in 1881, but the legislation for the next ten years would be based on the census. Therefore although the financial condition of the Colony just now might not be all they would wish, they must recollect that they did not hope to be in that condition, three, six, or nine years hence, and the amount of money now to be spent was one that would bring great benefits for ten years to come. He had much pleasure in supporting the retention of the vote.

The Hon. R. B. DOWNALL explained that with reference to the remarks of the Hon. the Tamil member as to the use of the census all he (Mr. D.) said was that they should not get much use from it as it was objected to by the natives. When the hon. member spoke of a guarantee the hon. speaker had been called to order for asking him what the other "evil" was. He would now take upon himself to answer it. In discussing the matter on the previous day after Council the Tamil member asked if the speaker could give any guarantee that the Government would spend the money on reproductive works if not spent upon the census. He replied that he could not, and then the hon. member said that if the Government did not do so he must vote for the census, because otherwise the Government would probably *pocket the money! that* was the "other evil" the hon. member for the Tamils referred to. It was not likely that the Government would give a guarantee as to how they would spend the money, especially as they had made up their minds to vote the money that day. No doubt the Government were very pleased to think that they had one unofficial to vote with them, and therefore they would not be likely to give a guarantee which would cause an hon. member to vote on the other side. He would like to ask the Hon. the Lieut.-Governor one question. He (the Lieut.-Governor) had stated distinctly that no money out of the R125,000 had been spent. He would like to ask if any money whatever had been spent?

The Hon. the LIEUT.-GOVERNOR: I intended to get up to make a personal explanation as to that. A certain amount of money has been spent which will be included in the Supplementary Supply Bill for getting ready for the census. That is in accordance with the ordinary practice that where the necessity arises for purposes which have met with the approval of the Council money can be taken by the Government. Last year the bill amounted to R800,000, in the year previously to R2,000,000, and my predecessor brought in a bill of a much larger amount. Of course the object of such appropriations should be to give greater effect to works which we know will receive the concurrence of Council or to do anything for preliminaries for what we expect the Council will approve; and as the Council had approved the Census of 1871 we saw no

objection to spending a moderate amount of money for making preliminaries for the coming year. Of the R125,000 not one farthing has been spent. I don't think there has been any breach of the privileges of the Council.

The Hon. J. VAN LANGENBERG said he had misunderstood the Hon. the Lieut.-Governor's statement as to the appropriation of money.

The Hon R. B. DOWNALL reminded the Lieut.-Governor as to the second reading that when the hon. member asked the Lieut.-Governor if he thought it was necessary for him (Mr. D.) to come down to Colombo to attend a certain meeting of Council the Lieut.-Governor said that there was only the census bill and another, and that there was no reason for the speaker to come down to oppose the census then, as the proper time would be upon taking the vote in the Supply Bill. As to a repetition of the panic, he reminded them that the natives were petitioning the Government against the census. He had not said that no use was to be got from the census, but that they could not afford it this year. Many people did not know how to read or write, even on olas, and he still maintained that they would not get a correct numbering of the people. Whatever might have been the success of the 1871 census, he regretted that the experience of that census had not enabled them to reduce the expenditure for the next. As to the statement made by the Lieut.-Governor that enumerators were not paid in India he would draw their attention to the Indian report of 1871. Mr. Beverley wrote:—

In Rajshahye large supervising establishments were entertained and the contingent expenses were also high. In Bhaugulpore considerable sums seem to have been dispersed in rewards; paid supervisors, too were largely entertained. In the Deccan and Chittagong divisions it was found necessary in many places to pay the enumerators. In Chota Nagpore a large staff of salaried enumerators was entertained throughout the cold weather.

So that argument entirely collapsed. He was surprised at the Lieut.-Governor's other argument that they would be declaring their poverty by saying they could not afford the census. Yet the Lieut.-Governor said himself that "regarding public works there was nothing to note"—works which would be reproductive. For such work they had nothing to spend, and unless they spent their money on a census they would be declaring their poverty! A great many people in this world had been ruined by keeping up appearances, and they were going to keep up appearances by spending that large amount. He wished to take the opinion of the Council on the question.

A division was then taken with the following result:—

Ayes.	*Noes.*
Hon. F. M. Mackwood	Hon. P. Rāmā Nāthan
,, H. Bois	,, The Col. of Customs
,, R. B. Downall	,, The Surveyor General
,, J. P. Obeyesekere	,, The Govt. Agt. W. P.
,, J. Van Langenberg	,, The Treasurer
	,, The Auditor General
	,, The Queen's Advocate
	,, The Major General
	,, The Lieut.-Governor
	His Excellency the Governor

WEDNESDAY, NOVEMBER 3.

Present: His Excellency the Governor, the Hons. the Lieut.-Governor, the Major General, the Queen's Advocate, the Auditor General, the Treasurer, the Government Agent, W. P., the Surveyor General, the Principal Collector of Customs, J. Van Langenberg, J. P. Obeyesekera, P. Rāmā Nāthan, H. Bois, and F. M. Mackwood.

Absent: The Hons. the Government Agent, C. P., and R. B. Downall.

PAPERS.

The Hon. the LIEUT.-GOVERNOR: I lay on the table the report of the Principal Civil Medical Officer for 1879; also, in accordance with a promise made, a letter from the Judges and a despatch of His Excellency the Governor and correspondence respecting the present state of the Supreme Court. I may add that the Secretary of State has sanctioned by telegraph the appointment of a commissioner of assize from time to time when required to assist in the criminal work of the court. An ordinance with that view will be introduced.

NOTICES OF MOTION.

The Hon. J. P. OBEYESEKERA:

To move for a return shewing the number of cases instituted in each of the Police Courts of the Island under the Cattle Trespass Ordinance No. 9 of 1876, from the passing of that measure to the 30th of September last, the number of convictions, the appeals taken, and the affirmals by the Supreme Court upon such appeals.

To move that the unpaid headmen of this Island be provided with copies of each of the local ordinances translated into their respective native languages, as impose upon them the performance of duties in their official capacity.

To ask whether the Government have received any further information on the subject of the distress in Seven Korles, and if so to move that the same be laid on the table and also to ask if any additional steps have been taken in consequence of such information with a view to the relief of the affected districts.

The Hon. P. RAMA NATHAN:

To move that it is desirable as a means of promoting natural thrift, that Post Office Savings Banks be established in the leading towns of Ceylon, and that the Government do introduce these banks at an early a date as possible.

THE LAW LIBRARY AND AID FROM PUBLIC FUNDS.

The Hon. P. RAMA NATHAN: In pursuance of notice I rise

To bring to the notice of Government the action of the Colombo Municipality in reference to its contribution to the Law Library, and to move that steps be taken to provide it with an yearly allowance of not less than 1,000 rupees.

I may say that this motion does not necessarily involve a money vote, and therefore I don't think it will be necessary for me to ask Your Excellency for permission to introduce this motion into the Council; and even if it does involve a money vote I have no doubt that I have only to ask Your Excellency's permission to introduce the subject and it will be granted. The facts of this case are very simple, though the matter involved in it amounts to a breach of faith on the part of the Municipality. But I entirely exonerate the Hon. the Government Agent, W. P., from all blame as the proposal to cancel the allowance granted by the Municipality appears to have originated from the unofficial members of the Municipal Council. I need not dwell upon the importance of the Law Library as a means of educating the legal profession, and of aiding in the administration of justice. I pass over that point and would say merely that the stamp duties collected in Edinburgh from the legal profession on certificates given to practitioners go to maintain their law library. I may also state that we have received letters from the secretaries of the law libraries of the High Courts of India showing that the Government allow sums varying from R1,000 to R1,500 yearly for the support of the law libraries attached to each of those courts. The reason why these certificate fees are devoted to the maintenance of the law library is simply to educate the legal profession and furnish proper means for the administration of justice. Now, sir, we all know that when the Municipalities Ordinance was introduced in 1865 there was an attempt on the part of the Government to seize hold of anything and every thing so as to create a fund for the use of the Municipality, and I regret to say that in this general scramble those stamp

duties were seized hold of. The appropriation of the stamp duties for the purposes of scavenging the town and carrying out improvements therein is altogether defenceless in principle, but it was appropriated and sanctioned by this Council. Nevertheless from that time till the year 1874, there was a feeling which is testified to in certain letters I shall read to Your Excellency hereafter, that great injustice had been committed so far as the legal profession was concerned and that every attempt ought to be made to withdraw the stamp duties fund from the Municipality and devote them to their legitimate object. In 1874 the Municipality being greatly in want of money proposed to Government that they should be relieved of certain liabilities, and the Government therefore generously came forward and took over the maintenance of the trunk road from the Bridge of Boats to the Fort. At that time, your Excellency's predecessor, Sir Wm. Gregory, on whose attention the claims of the Law Library had been pressed, ordered a letter to be written to the Municipal Council asking if in consideration of those concessions having been made the Municipality would relinquish their claims to the stamp duties. The proposal was laid by the chairman before the Municipal Council, and they in the most irrevocable terms agreed to grant R1,000 per annum to the maintenance of the Law Library. There was nothing in the letters which passed between His Excellency and the Municipality or the Colonial Secretary and the Municipality to show that there was any intention on the part of His Excellency, the Colonial Secretary, or the Municipal Council that this contribution should last but for a short term of years to put matters beyond any doubt whatever, I shall read to your Excellency this letter dated 15th January 1874, written by the Colonial Secretary to the Chairman of the Municipal Council:—

SIR,—I am directed by His Excellency the Governor to state that in the general interests of the colony it would be most expedient that there should be a complete law library attached to the Courts, and I am to enquire whether in consideration of the concessions made by the Government, the Colombo Municipality would be willing to allow the legal entrance fees, which now go to the Municipality, to be applied to this very desirable object.

The sum in question would be of small importance to the Municipality, whereas it would be sufficient after a certain time to complete the deficiencies in the library, to enable new works to be procured for it as soon as published, and to maintain it in the efficient state in which the law library of the Island ought to be upheld.

In reply to that letter the Municipal Council wrote as follows to the Colonial Secretary:

SIR,—I had the honor on Wednesday last to consult the Municipal Council on the proposal of His Excellency the Governor that they should relinquish the legal entrance fees, from which a portion of the Municipal revenue is derived, for the formation of a fund for the maintenance of the law library attached to the Courts and have been requested to convey to His Excellency an assurance of the Council's readiness to assist in the promotion of so desirable a measure.

It occurs, however, to the Council that His Excellency is not altogether aware of the extent of revenue which it is suggested should be given up.

The legal fees recovered in 1873 were R3,633 50, and not less than R6,556 were derived from the same source in 1872.

Then the Colonial Secretary replied:

I am to propose that the Municipal Council contribute from R1,000 to R1,500 for the purpose out of the fund in question.

There is another important letter from the M. C. which shews very clearly that the M.C. never intended to impose any limitation as to time. It runs as follows:—

With reference to your letter No. 7 of the 19th instant, I am directed to to inform you that the Council are willing to contribute R1,000 per annum towards the law library, which library they hope will be open to the gentlemen of the legal profession generally.

The matter then went before the Queen's Advocate, and he consulted the subscribers to the library, and the Q. A. says:

The subscribers would have preferred to receive all the legal entrance fees, as they should be properly spent for the benefit of the profession, as is done elsewhere. They are thankful, however, for even small mercies, and will be glad to receive for the present the £100 offered by the Municipality.

And the Q. A. adds

I beg to suggest, in point of form, that, instead of the Council contributing the £100, the Treasurer be instructed to pay the same to the library, and hand over the remainder to the Municipality. In view of recent concessions they can agree to any of the numerous funds given, them being reduced; the matter is then only one of bargain and a very advantageous bargain to them; but it may be a question how far they can give away funds which have once come into their possession.

The Municipal Council say in reference to that letter of the Queen's Advocate:

I am directed to state that the Council prefer to pay it themselves.

On that basis the contribution was paid from 1874 to 1880, when the committee of the library were favoured with this letter from the Municipality:

SIR,—I am directed to inform you that the Municipal Council have determined to reduce their contribution to the Law Library to R500 for the current year, and that thereafter it shall cease. The Council have given no less than R6,000, since 1874, towards the maintenance of the Law Library out of funds which come to them under the Municipal Councils Ordinance; and having made so liberal a provision for a purpose entirely foreign to the ordinance, they do not feel called upon to continue the vote. As, however, its entire withdrawal without sufficient notice may cause inconvenience, a grant of R500 has been made for the present year.

Upon this the committee of the Law Library, whose president is the Chief Justice and of which the Queen's Advocate is a member, wrote a letter to the Municipality, remonstrating with their strange resolution and represented matters to the Colonial Secretary in the following letter

I am instructed by the Committee of the Law Library to forward to you the enclosed letter from the Secretary of the M. C. Colombo, in which he notifies the intention of the Council to withdraw from the Law Library one-half of the contribution hitherto made to it by the Council from the Stamp Duties on the admissions and certificates of advocates and proctors.

That any part of these duties should be diverted from the purposes of the administration of Justice and the education of the legal profession to objects so incongruous as the expenses of draining, road repairing lighting and so on, was considered by many persons, at the institution of the Municipality to be anomalous and objectionable and the question, it may be remembered, gave rise to some discussion. The objections, however, to the course adopted, were, I am informed no passed, upon the understanding that the M. C. should hand over to the Law Library an annual sum of not less than R1,000

The M. C. appear to think that this sum is a simple benefaction of theirs to the Library, and that it or any part of it can be withdrawn at pleasure. Such I am instructed to say was never the original intention of those concerned when this matter was first settled. The Committee of the Law Library accordingly venture to urge upon Government that, as the M. C. no longer consider that they are under any obligation to continue to observe the original understanding above referred to, the law in this matter may be altered, and that these Stamp Duties may hereafter be devoted to their proper purposes, namely, the furtherance of the administration of justice, and the education of the legal profession; and that an annual sum of not less than R1,000 may be as heretofore paid to the Law Library.

The answer they received from Government is this:—

I am directed to acknowledge the receipt of your letter of the 25th ult.

The Municipal Council are by § 52 of Ordinance No. 17 of 1865 the trustees of the Municipal revenues and all appropriations of such revenues must be made by them and the Governor sees no reason to interfere in the matter.

The attempt of the Committee of the Law Library to secure their just rights ended in this manner

I am not going to complain of the legal aspects of the case. I think that inasmuch as cl. 60 gives the Municipality these stamp duties and cl 52 regulates the appropriation of that fund the Municipality is quite right legally, in devoting it strictly to municipal purposes. But I ask the Municipality whether they have dealt with the Law Library fairly? I think that the equity of the case is totally against them, and that their conduct cannot be justified for a minute. And now that the Government has said that they could not interfere in the matter, it is for this Council to see whether it may not extend any help to the Library under the circumstances I have related. It is an undeniable fact that as early as 1874 the Government of that day said that the Law Library required assistance and ought to be supported, and I don't think the present members of the Government could well turn round and say that the opinion of their predecessors was altogether wrong. I don't think they or Your Excellency could say that on any other ground, for all over the world, with some exceptions the law libraries are supported by Government. That being so, it is proper that the Government should afford some relief in any way they think desirable to provide the Law Library with at least R1,000 annually. I would suggest in the first place that as the Municipality obtained certain concessions and undertook at the same time to perform a condition,—and that as the Municipality has not fulfilled that condition, the Government might withdraw those concessions. That was not an absolute concession made to the Municipality. The Government may say that under the ordinance whatever money is vested in the Municipality is vested in it once for all, and cannot be revoked at will, but I say that no concessions were made to them absolutely. It was made contingent upon the condition that the Municipal Council were to pay R1,000 to the Law Library, and therefore Your Excellency has every right to withdraw those concessions if the Municipality will not carry out the condition imposed upon them. I don't mean you should withdraw the concessions, without giving the Municipal Council the chance of continuing the performance of the condition. I have no doubt if this threat was held out, the Municipal Council would soon see the necessity of fulfilling their obligations. Another step open to Your Excellency in the interests of the administration of justice is this: you might repeal clause 60 which gives the Municipality the power of appropriating that fund. I have already said those stamp moneys could not very well go towards scavenging and sanitary reform, but that it should go towards the administration of justice and legal education. Or I would suggest a third course. Sir Hercules Robinson in 1870 or 1872 granted a donation of R1,000 from the Loan Board funds. Your Excellency might adopt that course and give the Law Library an annual donation of R1,000. Any one of these courses would come within my motion and I trust that any one of them will be adopted.

The Hon. J. VAN LANGENBERG, though he did not disapprove of the motion which the hon. and learned member had brought forward, would have preferred to have ascertained from the Government the conditions under which the grant was made by the Municipality to the Law Library, and the reason why that grant had been withdrawn. So far as he had been able to follow his hon. and learned friend, the correspondence clearly established a compact that in view of the Government taking over a certain road the Municipality should pay R1,000 to the Library annually. Accordingly up to the present day the grant had in point of fact been made. He was not prepared to justify the compact between the Government and the Municipality, nor was it necessary for the purposes of the motion that he should satisfy the Council that it was a proper appropriation of the municipal funds received under a particular provision of the ordinance, but he merely alluded to the fact that the Municipal Council did receive concessions and did in consideration of those make a giant to the Library. It was not necessary for him to go into the necessity for the Law Library or the advantages of an institution of that kind to the profession or the Supreme Court. The use of the Law Library was not limited to the profession, but extended to the judges of the Supreme Court: and indeed as an institution of the kind was an incalculable benefit to the administration of justice. The necessity of it had been admitted on all hands, but the question as to whether the grant should be stopped in that way was to be considered. The grant was of great use, and all at once it had been stopped. Government might be satisfied that so far as that particular item was concerned it would be judiciously expended, seeing that the Library had for its committee the Chief Justice and the Queen's Advocate and other members of the legal profession. The accounts were regularly audited by that committee and the money, including the grant from the Municipality, was most properly spent. It was not a case of injudicious expenditure, but where money was applied for the purpose for which it was intended. The Municipal Council had not acted fairly by the Law Library or the Government. If those concessions were really made upon the condition of that grant being continued it was only fair that the grant should not altogether be stopped. He should like to get more information from the Government, but the correspondence seemed sufficient to show that all parties believed that the grant was to be made in consideration of those concessions; otherwise probably those interested in the administration of justice and the Law Library might have taken other steps to raise money. It was not right to lead them into a belief that the money would be paid, and then reduce the grant by one half and convey the intimation that the other half would cease. It was indeed a very great pity such action should have been taken by the Municipal Council after that Municipal Council had for several years made that payment to the Library. As the Committee, including the Chief Justice, pointed out, the funds now received by the Municipal Council from the legal profession should properly be given towards the administration of Justice. He would second the motion.

The Hon. the QUEEN'S ADVOCATE thought there was some mistake or rather misunderstanding as to the exact position in which the Law Library stood with reference to the Municipal Council, and *vice versa*. It had been assumed that the Municipal Council was under a distinct compact, existing then, now, and for ever, to pay out of their funds a certain contribution to the Law Library, but he thought that if the facts were gathered from the written evidence upon the subject it would be found that such a compact did not exist. The Municipality derived certain funds from stamps and fees which were paid by certain members of the legal profession. Those fees they enjoyed under a distinct clause of the ordinance. They were given to them by law and were their (the Municipality's) funds and funds over which the Government could have no control whatever. It was unnecessary to enter into the question whether it was desirable or perhaps right that those particular funds should be appropriated in the way they were in the ordinance; they must accept it as the law. The Municipality enjoyed the money from the stamp duties years and years ago and for sometime previous to the year in which it was alleged the compact was entered into between the Government and the Municipality that the library should receive a portion of those funds. It was said that the compact rested upon certain concessions made to them by the Government with relation to its funds. That would be found not to be the case, as the concessions were made a long time previous to the question as to the contribution to the funds of the Law Library. Therefore he could not see that there was any compact on the part of the Municipality to contribute to the Law Library

always. The concessions were made sometime previous even to the application to the Municipality to devote part of their funds to the Law Library. Therefore it might be said to have been only a simple promise on the part of the Municipality to contribute, not from those particular funds, but from their general funds a certain amount of money to the support of the Law Library. Was that "compact" one which was to be a permanent one? He took it, that by looking at the papers, it would be found that at the very moment that the alleged compact was made there was uppermost in the minds of the Government the question—and consequently it must have been in answer to that question that the Municipality were prepared to act,—that the concession asked for from the Municipality should not be a permanent one,—because the very letter quoted by the hon. and learned Tamil member said:—

The sum in question would be of small importance to the Municipality, whereas it would be sufficient *after a certain time* to complete the deficiencies in the Library.

It was evident that at the very moment it was alleged that the compact was made there was an element imported into it that it should not be permanent. He was not bound to enter into the question there whether it was desirable that Government should contribute towards the support of the Law Library. Personally of course it must be known that he would be gratified indeed if he could obtain for the Law Library a grant which would put it on a better footing or maintain it in its present state. He looked at the Library as he now found it and if he mistook not, there were only 49 subscribers, that of the whole profession 49 alone subscribed to it, and that the annual income from those subscribers was not much in comparison with the subscription of the Municipality. And, moreover, the Library was not to a certain extent solvent, because it owed a little more money than it had in hand. At the end of the year, however, it would perhaps be able to pay in full if the Municipality would pay what they promised to pay and hand over this year's subscription, It might very correctly be assumed that if that grant were withdrawn it would be necessary to find means whereby the Library should be kept going. How those means were to be found he was not prepared to say. He did not see how any of the means pointed out by the hon. and learned Tamil member could be brought into effect. In the first instance it could scarcely be asked that a loan should be made from the Loan Board.—[The Lieut.-Governor explained to the hon. and learned speaker that Mr. Rama Nathan proposed a *vote* from the Loan Board funds.] That would open up a very large question. It was true the Library was a very good thing for legal education and must assist in the administration of justice, but could they say as a itoneral principle that it was the duty of Government to subscribe towards the funds of all institutions which tended towards the education of the individuals of different professions? How could they bring pressure to bear upon the Municipality? His hon. and learned friend said he would threaten them, but that the Government need not enforce the threat. He apprehended they could not withdraw the concessions now. The Government had taken over from the Municipality certain roads, and there was no law whereby they could now transfer to the Municipality the burden of the upkeep of the roads which had been taken over. Therefore he did not see what course the Government could adopt for the purpose of ameliorating the condition of the library. Perhaps if the profession took it upon its own shoulders it would be able to be independent of the Government, and under those circumstances he should only be glad to ask the Government for assistance by handing it over to the profession.

The Hon. the GOVERNMENT AGENT, W. P., said he was sure that the Municipality would be very much obliged to the Hon. the Queen's Advocate for the manner in which he had conducted the defence on the occasion. He should like to say a few words to show that so far from the Municipality having broken faith with the Law Library it had acted in a most generous and handsome way, for several years past; and it had done more: it had, according to the opinion of the late Queen's Advocate, acted in a most illegal manner for the benefit of the Law Library. It had been asserted, and, he was sorry to see, by the secretary of the Law Library, that the matter was very much discussed at the time the ordinance came into operation, as to whether such fees should be given to the Law Library. He had looked for evidence of such discussion, but could not find it The very same provision had been introduced into the Local Boards Ordinance. Every one of the local boards got in the same way the stamp duties for certificates to proctors, and no question had been raised even when the Local Boards Ordinance was passed. So that up to 1874 the Municipality received those fees without any question or claims being made upon them. In 1873 certain concessions were made by the Government without any reference whatever to those fees. In 1874 the Government for the first time opened the correspondence, and he could not understand how anyone reading it could come to the conclusion his hon. and learned friend had arrived at, that the contribution was made dependent on certain concessions to be made. For the first letter was addressed to Sir Chas. Layard as Chairman, asking him if he would find out whether the Municipality, in consideration of certain concessions already made, (as the Queen's Advocate pointed out) would in consideration of those concessions grant certain moneys which it was hoped would be sufficient after a time to make up the deficiencies then existing in the Law Library, and maintain it in such a state as the law library of *the Island* ought to be maintained. The Municipality of *Colombo* thought it rather hard that they should be required to pay for the Law Library of *the Island*, but the letter was answered and an arrangement made to give a certain sum. The letter had been quoted by the hon. and learned Tamil member, who had, however, omitted the last paragraph:—

Either sum if annually surrendered, while it would be more than could be conveniently spared by them, would also be found far beyond the requirements of an institution for which it is probable the fees paid at the induction of barristers alone, with the private subscriptions, said at the present to be very irregularly collected, would be amply sufficient.

That was exactly the point. The Municipal Council had contended that if those subscriptions were regularly collected and properly paid they would be amply sufficient to support the Law Library. The Queen's Advocate in reply to that letter stated that the difficulty had been to induce proctors to join and continue subscribers, and he himself pointed out that it might be a question how far the Municipality could give away funds which had once come into their possession. All that had been very carefully considered by the Municipal Council, and it was perfectly clear from the letters that they only intended for a time to give the Law Library R1,000 a year, and that it was only meant to be accepted for a time was shown by a letter in reply from the Secretary of the Library, where in acknowledging small mercies he added that they would be happy to receive *for the present* the sum of R1,000 a year. That payment had been continued for six years, and last year, in going over the annual accounts, it was brought to the notice of the Council that it had been continued for six years, and they had thought it right to stop it. The Municipal Council had several legal gentlemen as members, some of whom were present when the subject came up, and they all agreed that if the trustees or managers of the Library could induce the profession to join in greater number, the lawyers of Colombo were a sufficiently large body to keep up the Library

in a proper state. The Municipality did not wish, although the proposal was made, to stop it at once. They said: "No; we will not stop it at once." we will give you R500 for the present year, and stop the grant altogether next year. He felt quite sure that the Secretary of the Law Library and the Queen's Advocate did not suppose that they were not going to give the R500. They should certainly pay that sum, but he could hold out no hope of any subscription being given in the future after that.

The Hon. J. P. OBEYESEKERA said that the question under discussion was one of very great importance to the public generally and especially to the legal profession. That a promise had been made by the Municipality to vote R1,000 annually was a fact beyond all question. (Hear, hear.) He thought that whatever might be the legal aspect of the question there could be no two opinions as to its moral aspect. He considered that the Municipality had a debt of honour to discharge by the payment of this annual instalment. It had been sought by his hon. friend the Government Agent for the Western Province to be argued that the words "for the present" in the letter of the Secretary of the Law Library after the words "thankful for small mercies" went to show that they had expected that donation for a time only. He thought that the construction of the words quoted was at least open to doubt, because the words "for the present" when read by the light of the context clearly showed that they would be *content* with such a small sum for the present, and expected that there would be an increase by and bye. As to the conditions upon which the concessions were granted he could not be confident, but he felt that the Municipality were bound in honour to make the annual payment. The Council should take into consideration not only the interests of this particular association "the Law Library," but also the effect upon the Municipal Council of the withdrawal of any concessions that had been made by the Government. It would never do to hold out a threat as suggested by his hon. and learned friend (Mr. R.) unless they were prepared to carry it out, and to carry that out might throw the Municipality into a state of bankruptcy. He therefore thought that the course suggested by the Queen's Advocate was worthy of approval.

The Hon. the LIEUT.-GOVERNOR: As an appeal has been made to know the exact position of this agreement between the Municipal Council and the Government, I would dispel the idea that there was any compact whatever such as has been assumed by the hon. and learned member. They were a part of the general revenue of the Colony up to 1865. In the year the Municipalities Act was introduced a Commission sat upon the ordinance, over which the Queen's Advocate, Sir Richard Morgan, presided, and they proposed, and the Council sanctioned it, that certain portions of the ordinary revenue, including these fees, should be transferred for the benefit of the Municipality, and they now form a part of the revenue of the Municipality, and that body has as much right to the fees for general purposes as to any other revenue. I have had experience of similar cases in two colonies, and in both those colonies the fees formed part of the general revenue. As to any bargain, the facts of the case are as follows: In May 1873 the Municipality asked for assistance from the Government and said that they could not keep the roads in order and do the requisite work of the Municipality with their revenue. The Government said it would go to the Municipality's assistance, and we asked this Council for sanction for the taking over of certain trunk roads through the town. The budget was brought forward in this Council, and the vote passed in December of 1873, and after various items had been disposed of Mr. Ferdinands expressed a hope that a contribution (not subscription) to the Law Library might be included, as the Library was originally established by the advocates and used subsequently by the judges and there was a necessity for its being enlarged. We had then concluded a compact by which we had taken over the road, and after that we went to the Municipality and laid the question before them. We said we had done a good deal for them and asked that they should now do something for us in return and let us have a subscription for the Law Library, it being applied for in consequence of a contribution being asked for in this Council. As to whether a statement that "we will give R1,000 a year for the Law Library," can be held to mean a promise to continue such an annual payment for all time, I confess that my view, a common sense view, is very clear. Many of us are fathers of families and all are sons of fathers, and we might as well say that the allowances given us when young men are to last all our lives. When my father told me he would allow me a certain sum annually, I knew perfectly well it would not last till I am 70 or 80 years of age, and that after a reasonable time it would be withdrawn. And it seems to me there has been no sort of legal compact binding the Municipality to give this money. It was clearly within their power to say: "We have done as much as we can and cannot pay you any more." I can't see, therefore, there has been any bargain between the Municipality and Government which has been broken, nor any breach of faith between the Municipality and the Law Library. The only thing in which I differ slightly from the Hon. the Government Agent, W. P., is that I think there should have been some previous notice as to reducing the subscription for the current year and it would have been in better faith after not giving notice in 1879, to have paid the subscription in full for 1880. Having done that nothing more clearly could be expected from the Municipal Council. As to that Library, we shall be glad to accept the suggestion of the Queen's Advocate that the Library should be transferred from the Government to the profession, represented by trustees who should be responsible for it entirely, and no doubt it is an institution for which from time to time application might be made for grants from Government. I have heard of such a course being followed in other colonies, but the grants have been where books have been required which the profession could not buy. But before application is made that the Government should make a grant to the legal profession for its education it should be shown that the legal profession is doing its part to educate itself. And we ought to have a statement showing how far it is contributing towards its legal education and what its wants are, and then we might make appropriations out of Loan Board funds towards the Law Library. I think that is a matter which had better be let stand over until the library is vested in certain trustees who can come forward with a proof that the legal profession is doing its part for its education. Why we should do otherwise I see no reason. I cannot see any reason for supplying the books for the legal profession any more than for finding the instruments for the doctors of Colombo. I think that if the Government is to help to support it from time to time it should be shown what is being done.

The Hon. P. RAMA NATHAN remarked that the Lieut.-Governor had laid much stress upon the fact that Government were not bound to expend money on the education for the legal profession. He did not ask for relief on that ground only. He (Mr R.) said that was only one of the grounds, and the other ground was that the library aided in the administration of justice, and but for its existence, in some cases involving points of law, it would be utterly impossible to arrive at a proper decision. But, as he had admitted, by clause 60 the fees were a part of the general revenue of the Municipality. He did not dwell on the legality of the case, but he wished the Council to see the equity of the case, for there

was no doubt that there was a promise on the part of the M. C. to give R1,000 to the library. Of course the Government Agent of the Western Province said there was not such a promise, but the speaker had the satisfaction that the Queen's Advocate favoured his view of the case. He did not consider the comparison of the Law Library and Municipality to the relations of father and son was a good one. He would also bring to their notice the readiness of the Government to contribute a large sum to the Colombo Library. The Government received a nominal rent of R300 a year for the premises leased to the Colombo Library, though the Municipality assessed the annual rental at R2,000 a year. This was virtually a concession of no less than R1,700, and yet to the Law Library, which was admittedly not solvent, the Government were unwilling to make any concession whatever. He withdrew the motion.

SUPPLY BILL.

The Hon. the LIEUT.-GOVERNOR brought up the report of the law officers of the Crown upon the following bill, stating that there was no impediment to the bill being passed, and he then moved the third reading:—

An Ordinance for making provision for the contingent services for the year 1881.

The Hon. the AUDITOR GENERAL seconded, and the bill was passed.

POLICE ORDINANCE AMENDMENT.

The Hon. the LIEUT.-GOVERNOR moved the second reading of the following bill:—

An Ordinance to amend the Police Ordinance, 1865.

He also moved that the Council should go into Committee on the bill, as the bill was but a small one.

The Hon. the GOVT. AGENT, W. P., moved that a sub-committee should be appointed to report on the bill. It seemed to him that in amending the ordinance of 1865 there was a very important provision in clause 10, affecting the collection of assessment tax which should be dealt with when the bill was amended. That clause set out that whenever the Government should quarter police in any part of the Island for misconduct of the inhabitants the Govt. Agent to whose province such part belonged, but not any Assistant Govt. Agent, should assess the proportion in which the cost of police was to be paid by the inhabitants according to his judgment of their respective means. There had been a very important case on the subject (Kandy P.C. 15,695) decided by the Supreme Court, who had held as follows:

As to the fourth objection, I felt some doubt whether it was competent for the police magistrate to enquire into the validity of the assessment * * * * I think, however, that it was competent. The police magistrate has to recover the due amount in the same manner as if it were a fine imposed by him; and I think that he has a judicial function to perform in ascertaining whether the alleged amount is due or not, before he exercises his ministerial one of recovering it. * * * *

He ought, I think, to be satisfied that the assessment was made by the Government Agent; for, otherwise, it is no assessment at all under the Ordinance. Now the 10th section requires the Government Agent to make the assessment; even the Assistant Agent expressly excluded. It is clearly intended that the Government Agent himself should exercise a judicial discrimination in the matter. For the proper collection of the tax it was very important to make the assessment simple. The Government had lost several cases in consequence of assessment being inaccurate. It was only the other day that a headman of Negombo made an assessment and had it carefully examined and signed by the Assistant Government Agent, who forwarded it to the speaker, and he signed "approved, F. R. Saunders, Govt. Agent" upon it. Then he was informed by the acting G. A. of the day that it was not a proper assessment and that the word "approved" added by him to an assessment in the district of Negombo made by a headman and Assistant Agent was not in accordance with law. It was perfectly impossible for the Government Agent to assess a village at Negombo or Ratnapura, and he thought it would be very much more satisfactory to alter that provision. Under the present system if a wealthy man left a district in the middle of the year it affected the assessment of the district immediately. The total amount to be collected was only so much, viz., "the actual cost of the police" and this collected quarterly. Each person was liable for a fixed share according to his means. If six months after the assessment were made several wealthy people left the district it made a difference in the amount to be paid by others and therefore a re-assessment must take place. These cases arose continually in practice, and he thought that if the Kandy case were read it would be seen how difficult it was to carry out the old ordinance and how easy it would be to amend it.

The Hon. the QUEEN'S ADVOCATE said the Government was not prepared to accept such an alteration in the law as would give an Assistant Government Agent the powers which the Ordinance now vested in a Government Agent only. The action of the Government Agent in marking "approved" on the assessment was certainly incorrect. An assessment simply approved by the Government Agent would not be his assessment, but he thought there was nothing to prevent the Government Agent arriving at the amount of assessment from the representations of the headman or Assistant Government Agent, so that then he could make the assessment himself. Nor was Government prepared to make one fixed assessment upon each individual who might live in the village or town assessed. That would be in direct opposition to the spirit of the act, which was that persons living in a particular locality should bear the assessment in proportion to their means. He took it to be unjust that a man with 5s. should have to pay the same as a man worth £500. It would be contrary to the principles and contrary to the very object which the act was desired to effect that persons in a village or town, where it had been necessary to quarter police should bear the cost equally and not in proportion to their means. The Government had had the question under careful consideration, but was not prepared to amend the act in the manner suggested.

The Hon. J. VANLANGENBERG was rather in favour of the Hon. the Government Agent's view, and thought they should improve the Police Ordinance, 1865. It had been felt as a great hardship that people should be assessed according to their means instead of in the ordinary mode of assessment in other cases. No doubt that where lawlessness prevailed, so that police had to be quartered in a village, the reason of it was the presence of vagabonds and thieves, and the men who really brought about the evil were the men who had not to subscribe towards the maintenance of the police; the thieves and vagabonds escaped the punishment and the peaceful inhabitants had really to pay. It was worthy of consideration whether that was a right principle upon which the people should be assessed. There were numerous cases where parties were dissatisfied with the assessment of the Government Agent, because he was not in a position to say what the assessment to be paid by particular individuals should be. He instanced a case at Moratuwa where wealthy people, when the time came for assessment, came from Moratuwa to live in Colombo for a season and so escaped assessment. That had been a practical complaint laid before the Government Agent. He did not say that they should adopt a different mode of assessment, but the Government might consider whether property should not be assessed. He supported the motion for a sub-committee to consider the bill.

The Hon. the LIEUT.-GOVERNOR: The Government is hardly prepared to accept this suggestion, because the point on which the Government Agent rose to address the Council has been fully considered by the Government, and it is not prepared to bring in

a bill in the sense in which it has been proposed. We think that the strong balance of expediency is in favour of the present law. I cannot see that we shall do well in referring it to a sub-committee with a view to that sub-committee suggesting changes which the Government has decided not to adopt. The whole question has been very carefully considered; it has been before the Executive Council three or four times, and referring this to a sub-committee would be to propose to the sub-committee to suggest something altogether outside the act before us. There will be no objection to refer it to a sub-committee for other purposes.

The Hon. J. P. OBEYESEKERA did not see the necessity for a sub-committee, as he quite approved of the present mode of assessment. The hon. the Burgher member had pointed out as an objection to levying the tax according to the means of the people that it had been imposed as a punishment for vagabonds and evil-doers. But supposing they had a capitation tax, he would like to know whether it would be likely to be recovered from the vagabonds and thieves. He thought that this was only looking at one side of the question, ignoring the more salient side of it. He took the view that the police were supplied not only as a punishment for those disreputable characters but also as a protection for the inhabitants, and it should be remembered that the wealthy people had more property to be protected. There was a middle class of the population that had been entirely left out of the discussion: he meant that vast majority who were poor but at the same time the most peaceably disposed; and the incidence of a capitation tax would be most severely felt by these.

THE GOVT. AGENT, W. P. said that after what had fallen from the Hon. the Colonial Secretary and the Queen's Advocate he would withdraw his motion for a sub-committee, but he still contended there was a vast difference between police established for general purposes, and police quartered on people for misconduct. In the one case a property tax was the proper mode of assessment, in the latter case a personal tax.

The bill was ordered to be reported as amended and referred to the law officers of the Crown.

SUPPLEMENTARY CONTINGENT CHARGES, 1879.

The Hon. the AUDITOR-GENERAL moved the second reading of the following bill:—

A Ordinance for making final provision for the Supplementary Contingent Charges for the year 1879.

The Hon. F. M. MACKWOOD asked for some explanation of the item of R39,451, Colonial Store, Crown Agents.

The Hon. the AUDITOR GENERAL explained that it was for purchase of stores in excess of the amount originally provided.

The bill was referred to the law officers of the Crown, and the third reading fixed for the next meeting.

LICENSED BOATS AND BOATMEN.

The Hon. the LIEUT.-GOVERNOR brought up the report of the law officers, and moved the third reading of the following Bill:—

An Ordinance for the regulation and government of Boatmen employed in Licensed Boats.

He wished to correct an impression which had got abroad that in proposing to license boatmen there was any reference made specially to the men employed by the Wharf and Warehouse Company as having, in conveying coolies in cargo boats, been guilty of the malpractices it was desired to prevent. The practice of thus using cargo boats was due to a certain extent to the action of Government, and the co-operation of the Wharf and Warehouse Company in trying to put down the black-mailing of coolies had been very valuable. It had been pointed out that some of his remarks the other day might bear the construction that the boats of the Wharf and Warehouse Company were specially referred to, and he therefore wished to remove such an impression.

The Explosives Bill was again postponed.

STAMP ORDINANCE.

The Council in Committee resumed consideration of the following Bill:—

An Ordinance to amend the Stamp Ordinance, 1871.

Report:—

The Sub-Committee appointed by the Legislative Council to report upon an Ordinance intituled "An Ordinance to amend the Stamp Ordinance, 1871," have the honor to report as follows:—

The Committee recommend the substitution of the following for clause 3:—

"When in any instrument any money is stated or expressed in pounds sterling, francs or dollars, the value of such pounds sterling, francs or dollars in Ceylon currency for the purposes of the said Ordinance, shall be calculated according to the following scale:—

"One pound sterling is equivalent to ten rupees;

"One hundred francs are equivalent to forty rupees;

"One Mexican or China dollar is equivalent to two rupees twenty-five cents."

"One Mauritius dollar is equivalent to two rupees;"

for the following reasons:—

They deem it very undesirable that in the making of an instrument, the validity of which depends upon its being duly stamped, an element of uncertainty should exist. They therefore consider that as far as is practicable fixed equivalents for the rupee should be determined by the Ordinance. The operation of clause 3 as drafted would not only entail upon the commercial classes repeated and complicated calculations, but in many instances it would be found in practice impossible to determine the current rate of exchange owing to frequent fluctuations, and the different rates current at the same moment.

In fixing two shillings as the equivalent of the rupee for the purposes of this Ordinance, the Committee have taken into consideration the fact that when the Stamp Ordinance No. 11 of 1861 was amended by that of 1871, the pound sterling on which stamp duties were levied by the former was converted into rupees in the latter, at the rate of ten to the £ sterling. They therefore consider that rupees should now be reconverted into sterling at the same rate, the avowed object of this enactment being to cure a defect in the Ordinance of 1871, and not to increase the stamp duties levied under it; this would practically be the result if anything less than two shillings were determined upon as the equivalent of the rupee.

The Committee have also taken note of the circumstance that the Indian Stamp Act as originally passed and subsequently revised, and the Ordinance lately passed in the Straits Settlements, fixes two shillings as the equivalent of the rupee.

The Committee having been informed that a Commission has been appointed to consider the working of the present Stamp Ordinance, recommend that clauses 7 and 8 of the enactment now under consideration be omitted, and, if it be found advisable, incorporated with any amending Ordinance which it may be found necessary to introduce.

J. Douglas, B. L. Burnside, G. Vane, J. Van Langenberg, H. Bois, F. M. Mackwood.

Legislative Council Chamber, Colombo, 2nd November, 1880.

The Hon. the QUEEN'S ADVOCATE, in accordance with the recommendation of the sub-committee, moved the insertion of a substitution for clause 3, which was agreed to.

VILLAGE COMMUNITIES ORDINANCE AMENDMENT.

The Hon. the LIEUT.-GOVERNOR moved the first reading of the following Bill:—

An Ordinance to amend "The Village Communities Ordinance, 1871."

He said that the papers he had laid upon the table in Sessional Paper No. 20 so fully explained the position of those village tribunals that there was not much for him to say on the subject. It was quite clear that the village tribunals were on the whole acceptable to the people, although no doubt some people were opposed to them, and that especially in the maritime districts. It was clear

that the king can do no wrong and a quaint illustration of it we read in Knox's History of Ceylon. He tells us that by an order of the king, the best fruits grown in the kingdom had to be carried by the growers themselves to the royal table, and adds that this fiat suppressed fruit growing. I allude to these old-world notions to show that among archaic nations, ignorant of constitutional checks, an institution like a Government savings bank could not exist. The people never could have confidence in the Government and would not therefore trust their earnings where the king drew no distinction between his own purse and that of his subjects. The rich men of the land accordingly melted their gold into unproductive bars and buried them for safety, while the poor spent their little gains uselessly or bought trinkets for their wives and daughters, and thus the varied reproductive uses to which money might be put were unknown to them, or if known, were missed or unappreciated. As a consequence, society remained where it was, stationary and stagnant, composed of a very miserable class of peasants and artizans and purse-proud chiefs given to oppression. The advent of the English Government is slowly but surely altering this condition of things. It has given to the masses security of life and property, equal laws, and freedom of action and speech. Encouraged by such blessings the more forward of the Ceylonese, especially in towns like Colombo, Kandy and Galle, breaking away from the trammels of caste and creed, have boldly taken part in European enterprise and have benefited themselves proportionately. These and the handful of hereditary owners of large landed estates are the moneyed men amongst the Ceylonese. They are numerically small, though very influential, and know how to husband their resources. The Government need not trouble themselves about promoting thrift in them. My motion has in view the welfare of the "working" classes, now steeped in ignorance, improvident, and a prey to their evil impulses. It is the duty of Government to do all in their power to improve the condition of these working people. Truly wretched is the family that is not able to make both ends meet, but there are thousands and thousands of families whose earnings are in excess more or less of its immediate wants, and it is the case of these families which the Government has to consider. What is done with their small savings? I know of cases where the poor man entrusted his savings to a rich neighbour for safe custody, and that rich neighbour quietly appropriated them to his own use, to the ruin and disgust of the poor man. Others there are who attempt to lay out their moneys on loans and wreck their all in the end. A third class, afraid of the risks attendant on saving, pamper to their desires by leading a life of extravagance and necessarily live from hand to mouth. Others lock up their earnings in superfluous jewelry, and thus miss the chances of utilizing money to its full extent. Others still, and these are by far the largest class, cannot help frequenting the tavern or gambling-house or indulging in that most exciting species of gambling, namely, litigation. Is it not the duty of Government to help these classes of Ceylonese? to wean them from improvidence by holding out encouragements to save, by offering at their very doors, so to speak, ready and attractive means of investing their small savings? The Ceylonese fall under that category of nations whom Sir William Harcourt described as fit for only a "grandmotherly Government," while it is usual to speak of Englishmen as independent, able to manage their own affairs, and self-relying. And yet what precautions have been taken by English statesmen to encourage thrift among the English working classes? They have their savings banks, penny banks acting as feeders to central banks, and post office banks. Not satisfied with these institutions, Mr. Fawcett has recently introduced a new system of saving. He was so struck with the wastage of pennies that he has empowered post office banks to receive from depositors a cardboard of twelve penny postages in lieu of a shilling. The advantage of this arrangement is obvious. Having once pasted a penny stamp on the cardboard, the working man was less free to fritter away the stamp than if he had the penny in his pocket. When he had collected twelve stamps in this manner, he handed the board into a Post Office and it was received as a deposit of one shilling. If such aid were necessary for the promotion of thrift among Englishmen, whose motto is self-help, what do not the Ceylonese require? To save them from improvidence, to enable them to put by something against an emergency or for the future, to help them to avoid debt and feel the strength of independence and through it, of every virtue of which thrift is the parent, is, I conceive, a pressing duty which the Government owes to the industrial classes. It is true we have a Savings Bank in Colombo, but what sort of people bank with it? Chiefly the inhabitants of Colombo, and of them mainly domestic servants, clerks, small landowners, &c., and even in their case the facilities for depositing are very restricted. They may deposit only once or twice a week and at certain hours, and there are other rules which are inconsistent with the principle of encouragement to save. It may also be said that the Savings Bank of Colombo admits of deposits from provincial residents through provincial kachcheries. But whoever takes advantage of this roundabout mode of doing things? What we want is a ready and attractive matter of inviting deposits. There should be no obstacles in the way of one who thinks of depositing. Post office banks afford the necessary facilities. Each of the money order offices in our towns ought to be a savings bank also, admitting of sixpenny or shilling deposits. I do not think the Postmaster General could experience any difficulty in working these banks. I have studied the rules under which these banks are worked in England, and I find them to be thoroughly intelligible and easy to work. I sincerely hope that the Government will take this important matter into their consideration and initiate these banks at as early a date as possible. I would be sorry to be put off with a distant promise, for I believe that such institutions tend directly to ameliorate the condition of the working classes.

The Hon. J. P. OBEYESEKERA seconded.

The Hon. the LIEUT.-GOVERNOR: As to the merits of the motion of the hon. and learned member, that is to say whether it is desirable that the Post Office should take over the Savings Bank business, I would prefer not to express a definite opinion to-day, because it is a matter which requires a great deal of consideration, and the real fact is that at present we are not prepared to throw on the Post Office any additional work until it has had time thoroughly to grapple with the very great and important addition of work thrown upon it lately. It will be remembered that some four or five years ago, when it was proposed that the Government should take over the working of our telegraph system, that proposal was strongly objected to by people outside, because they considered that we had no public department equal to undertake so difficult a work. Well, the Post Office have undertaken the telegraph work within the last few months and also at the same time had to undertake a very large increase of responsibility in bringing into operation the money order system with British India. The money order system at the Post Office has also increased very largely and we are unwilling to throw upon a willing horse work which I am afraid will break his back. As soon as the Postal-Telegraph Department has had time really to get ahead of the enormous extension of work thrown upon it it will be time to consider whether the Savings Bank may be added to its already somewhat multifarious duties. It is by no means a simple matter to transfer this work to the Post Office and open a savings' bank at each branch post office. It must be remembered that the class of man now in charge of the village post office is not a highly salaried official, and even the small amount of money passing through his hands for a day or two at present in working the money order system is a very severe temptation to utilize and perhaps embezzle that money. To put the almost permanent charge of money into his hands, which the Savings Bank would involve, is a danger which can only be met by a thorough organization and stringent regulations. I mention this not to say that it is a permanent obstacle in the way, but because I feel that it is a reason why the Post Office should only undertake the duty when they have been thoroughly able to grapple with the work lately undertaken. There is another point I should like to mention because it bears upon the merits of the subject, and that is that Her Majesty's Government have refused always to sanction any savings banks managed by a public department unless the funds were invested in Government securities. To transfer the Savings Bank to the Post Office would necessitate the calling in of all loans now made on mortgage security throughout the Island and their re-investment in Government securities. As I said before, I don't wish to say on the part of Government at present that the difficulties are in any way insuperable, but I only wish to say why we cannot accede to the motion, as we cannot undertake the measure at once. At the same time I will promise that when the time arrives that the work can be added to the duties of the Post Office the matter shall have due consideration. At present we can hardly undertake to give any distinct promise on the subject, as the Post Office is overworked at present. I trust that will satisfy the hon. and learned member.

The Hon. P. RAMA NATHAN replied that he was sorry that a measure of such vast social importance could not be acceded to by the Government. The difficulties were said to be not insuperable, and the only tangible ground put forward by the Government for not initiating those banks was that the Post Office authorities had too much to do. And it was said, that when they had less to do those banks would be introduced. That was the gist of the Lieutenant-Governor's observations as he understood them. It was not pretended that the working of the Money Order and Telegraph Departments would diminish or entail less labour hereafter to the Postal Department, and he accordingly thought that the effect of the reply given was this: that so long as the Telegraph and Money Order Departments were associated with the Post Office, so long would there not be a chance of associating the Savings Bank with the Postal Department.

The Hon. the LIEUT.-GOVERNOR: That is not what I said.

The Hon. P. RAMA NATHAN replied that that was the effect of the remarks of the Lieutenant-Governor. He (Mr. R.) expected that the Government would in a measure of this kind have been willing to sanction even additional expenditure because such expenditure, even though not immediately reproductive, would be productive of good results in the course of a few years. They would have a better class of citizens, less crime and litigation. The condition of the labouring classes would not be so wretched as it was now. He would repeat that any expenditure on the part of Government upon the amelioration of these classes could not be condemned or disapproved by any right-thinking person. As he found that Government could not accede to his motion as it stood and introduce those banks at some definite date, he would withdraw the motion for the present.

H. E. the GOVERNOR: The Government are not unfavourable to post office savings banks as a principle, but there is a practical hindrance in the way of establishing post office banks at present, and not any disinclination on the part of Government. At the same time I would observe that the Savings Bank already established in Colombo has 7,700 depositors and there are many depositors in the provinces.

DISTRESS IN SEVEN KORALES.

The Hon. J. P. OBEYESEKARA asked:

Whether the Government have received any further information on the subject of the distress in Seven Korales, and, if so, to move that the same be laid on the table; and also asked if any additional steps have been taken, in consequence of such information, with a view to the relief of the affected districts.

He said: I am only following up a motion I had the honor of bringing forward during the early part of this session, and my object, at the present moment, is to ascertain from the Government whether it has since received any farther information on the subject of the distress in the Seven Korales, and whether any fresh relief has been extended to the people who are suffering from want and its concomitant ills in the districts affected by famine. I have heard that the medical doctor stationed at Kurunegala has sent in a report to the Government, after having personally visited the districts in question, on the distress prevalent there; and that paper as well as any others that may be in the possession of the Government cannot fail to be of considerable interest to the public. I trust therefore that my motion will be acceded to.

The Hon. P. RAMA NATHAN seconded.

The Hon. the LIEUT.-GOVERNOR: I have no objection to lay the papers on the table. There is very little at present to tell. The distress, as the hon. member is no doubt aware, is mainly confined to Demalapattu of the Puttalam district and the Wanni Hatpattu of the Kurunegala district. The report from the Demala pattu states that three relief works have been opened, but up to date only 180 people had availed themselves of those works, as they were engaged on their chenas because of the favourable weather that had prevailed. But as soon as the preparation of the chenas was over no doubt they would want relief. As to the Wanni Hatpattu the report is that a certain number of people are working and the expenditure on relief in October was about R1,000; and after the end of November no doubt the demand will be largely increased as the people's supply of food is to a certain extent failing them. The seasons, however, are extremely favourable for the crops, and there is no fear for the future after the people can tide over the present distress. It will be seen that in the supplementary Supply Bill I shall lay before you to-day a vote of R10,000 is taken for relief works in the North Western Province, and only about a quarter of that has so far been spent. It is possible that will not be sufficient, but I think it will suffice for this year. If relief is wanted it will be given, of course, as usual.

The Hon. J. P. OBEYESEKARA was glad to hear that the Government was prepared to meet any extra demand for relief in the future, and he withdrew his motion.

CATTLE TRESPASS CASES.

The Hon. J. P. OBEYESEKERA moved

For a return shewing the number of cases instituted in each of the Police Courts of the Island under the Cattle Trespass Ordinance No. 9 of 1876 from the passing of that measure to the 30th September last, the number of convictions, the appeals taken, and the affirmals by the Supreme Court upon such appeals.

He said: I have been induced, sir, to call for this return by a conviction, arrived at after a careful observation of the practical working of the Cattle Trespass Ordinance No. 9 of 1876 since the date of its enactment, that it has not been successful in realizing the results expected of it. The return called for will, to a considerable extent, prove a test of the accuracy or incorrectness of my opinion. The old Cattle Trespass Ordinance No. 2 of 1835 was considered, perhaps owing to its antiquity, objectionable; and this enactment was brought forward to replace it. But in my humble opinion, the new law is, in its practical working, much worse than the old one. It would, I doubt not, do admirably if the immediate executive officers under it were intelligent educated people who, by the nature of their circumstances or

less than by their intellectual ability, were competent to discharge the duties imposed upon them by it; but so long as these officers are composed of no better men than those belonging to the class of our unpaid headmen it should be no wonder that the ordinance in question has proved a failure. According to the old law, in cases of cattle trespass, the animals res-passing if seized were taken to the court, which took charge of them, an action was instituted in due form and damages were proved by the evidence of the head-man and assessors and a decision obtained; but the new law seems to vest the unpaid headmen with almost all the powers of a Court for the exercise of which they are totally incompetent. It requires them to dis-pense a sort of patriarchal justice, after having as-sessed the damages, by calling upon the defendants to pay down the amount; and these awards are invari-ably rejected, and what next? The headman has to write out a report, he has to proceed to the court once for verifying this report and again to give evidence on the day of trial, and, as if all this is not enough, he is bound to take charge of the cattle and turn cattle-keeper till the decision of the case, which at least takes a fortnight and very often a month and a fortnight where one magistrate has to sit in two courts distant from one another and he happens to be away from the court to which the report is taken in the first instance. This last duty of taking charge of the cattle is the most dreadful of all and the one that the headman is most anxious to avoid, as it has often happened that the cattle were stolen from him by their very owners, who were not afterwards slow to see him civilly for the value of their animals so stolen by themselves. Such are the many and onerous duties of this headman doubly perplexing in that he is not so much as pro-vided with a copy of the law which imposes all these on him. The consequence is that, when a complaint is made to him, instead of meddling with what he does not understand, he quietly directs the landowner to take the animals to the nearest court, which, in its turn, orders them to be taken back to the headman, who still persists in his refusal; and well may he do so inasmuch as he is secure from punishment, there being no penal clause in this ordinance (which is another defect) as in most of our local enactments, whereby he can be compelled to do his work; and the net result of all this transaction is that the cattle, which very often happen to be the only property that can be proceeded against for the damages, are let off, and justice and the object of the ordinance are alike defeated. This much will suffice, I think, to shew the utter unsuitability of the measure in question to the rural parts of this country; and, if the return I have called for, and which I trust will be agreed to by the Government, will tend to con-firm my views, I hope my hon. and learned friend the Queen's Advocate will endeavour to devise some law which will better answer our requirements, especi-ally as it is on a good and workable law of this nat-ure that the success of the manifold agri-horticult-ural industries of this Island mainly depends.

The Hon. the Govt. Agent, W. P., pointed out that the return asked for would hardly meet the object desired by the hon. member, unless the number of cases tried before the village tribunals were included. Village councils had special authority to make rules regarding cattle trespass, and the village tribunals had power to deal with those cases and decide upon the amount of damages and fine, and unless the Council had a return of the work done by the village tribunals it would be impossible to see how the Cattle Trespass Ordinance was working. As a matter of fact most of the work under the ordinance was done by the village tribunals and to render a return of Police Court cases alone, would only mislead.

The Hon. J. P. Obeyesekera was sorry that the Government Agent, W. P., seemed to have entirely mistaken his (Mr. O.'s) remarks. His remarks were not a complaint of the inadequacy of the Courts but the in-competency of the headmen. According to the 7th clause the procedure was set out very clearly that notice should be given to the nearest headman within 48 hours, and even when they went to court, unless the report of the headman was verified by him, they could not recover damages. He complained of the hard-ship of the headman having to take charge of the cattle. Under the old ordinance cattle were taken to court and given into proper custody, but according to the new law if cattle owners declined to accept the award of the headman the headman was in duty bound to receive the cattle and keep them safe till the case had been heard and decided. That law was equally applicable to police courts and gansabhawas. It was of the inefficiency of the law that he complained; whether it was to be enforced in a Village Tribunal or any other tribunal. He did not wish to alter the terms of the motion.

The Hon. J. Van Langenberg seconded.

The Hon. the Lieut.-Governor: We shall be very glad to give the return asked for. I defer any remarks till the return is before us.

COPIES OF ORDINANCES FOR HEADMEN.

The Hon. J. P. Obeyesekera moved:

That the unpaid headmen of this Island be provided with copies of such of the local Ordinances, translated into their respective native languages, as impose upon them the performance of duties in their official capacity.

He said: Sir, after what I have said on the pre-ceding motion I need scarcely detain the Council with more than a few words in support of this. I have endeavoured to shew the complicated nature of one local enactment under which the rural headman is almost daily called upon to act; and there are many others which, while similar to the Cattle Trespass Ordinance in the nature of the duties they impose, are quite unlike it in that they embrace stringent penal clauses for the punishment, in case of neglect of duty, of this extraordinary creature who, for some inscrutable reason or other, without the slightest remuneration and at considerable trouble and cost to himself in the way of an unlimited expenditure of writing materials and labour, undertakes an amount of responsibility which no man who is sane and honest at the same time will for a moment think of taking upon himself. Take, for instance, the case of the Crown Timber Ordinance, which requires an un-paid headman to issue permits for the removal of timber and imposes on him a penalty of R50, or three months' imprisonment or both in case of neglect of duty; and yet, so far as I am aware, the head-man is provided with neither the law nor a form on which to issue the permit. I am not in favour of this mode of dealing with these officers and am decidedly opposed to the whole system of getting headmen to work without pay; but, so long as this objectionable system continues to exist there appears to be no other way of enforcing the performance of their duties (however unjust the mode in question may seem) than by the fear of punishment since dismissal from offices which carry no remuneration with them and which consequently have no charms for their incumbents is a matter of very little or no concern at all to them. Such being the circumstances of this peculiar class of officers, and so long as they are bound to discharge certain duties, so long as magis-trates are vested with powers to inflict severe punish-ment on them for the neglect of those duties, and so long as it is not vouchsafed to them, at least, in the present age, to learn things by inspiration, I think the least that the Government ought to do is to afford them every facility, by supplying them with ordinances such as are contemplated in my motion, for understanding their rights, duties and liabilities; and the present practice of the Govern-ment certainly looks anomalous in that it supplies well-paid officers of the Crown, who are in a better position to provide themselves with them, with copies

of all our local laws free of charge, while these head-men who are not paid at all are left to purchase them if they wish. I therefore think, sir, that it is not quite fair to allow these men to continue to be punished, as is the case at present, for the breach of duties of even the bare existence, much less the nature, of which the great majority of them are totally unaware. My demand is I consider a reasonable one and I hope it may be possible for the Government to accede to it.

The Hon. P. Rama Nathan seconded.

The Hon. the Lieut.-Governor: I quite agree that the request is a very reasonable one. I have not been able to ascertain exactly how the matter stands during the interval since notice of the motion was given, and I really don't understand why they have not been supplied with these ordinances. The issue of the or-dinances has never been refused by me and every ordinance of interest to natives is always translated into the native languages for the purpose of being circulated among them. I will make enquiries and see what can be done.

THE SUPPLEMENTARY SUPPLY BILL.

The Hon. the Lieut.-Governor moved the first reading of the following bill:—

"An Ordinance for making final provision for the Supplementary Contingent Charges for the year 1880."

He said: It has been the endeavour of Government to keep the amount to be applied for under this ordinance within as low limits as it possibly could. It will be remembered that the revenue of the year was estimated at R14,774,000. Circumstances already fully dealt with in Your Excellency's address and by me in bringing forward the Supply Bill of the year have tended to reduce the revenue, and it is probable that the revenue of the current year will not exceed R13,900,000. These are somewhat more favourable figures than I was able to quote in introducing the Supply Bill, but the returns of the later period have been somewhat more favourable than the preceding one. I would guard myself, however, against any supposition that this compari on with last year shows a general decrease in the revenue of the Colony. The general revenue of the Colony for the first three quarters of the year is somewhat in excess of the corresponding three quarters in 1879, and the falling-off on those three quarters, R204,000, occurs solely on the railway. In fact, the falling off in the railway is about R300,000, whereas the falling-off on the whole revenue is only R204,000. Considering what the Colony has had to go through in the current year, I think this is a very favourable circumstance showing that the real resources of the Island have not been reduced in any great degree. The expendi-ture of the year was estimated at R14,484,000. As this without the supplementary Supply Bill is in excess of the probable revenue we hope to get, it has been considered necessary to postpone some of the works provided for in the estimates, such as the flood outlets, completing the police station at Kandy, &c. till more favourable times. The saving on these works will amount to R300,000 and there will be also considerable savings on other items in the estimate, such as pensions—in which I anti-cipate a saving of nearly R100,000—and hospitals, owing to the generally healthy state of the Colony during the current year. The supplementary estimate amounts to R484,555; it is the smallest estimate since 1872, and of this sum R300,000 is due for four departments alone: Revenue Services,—which are as a matter of fact matters of account because they are merely expenditure for the purpose of producing revenue,—Administration of Justice, Prisons, and Roads. These four items amount to over R300,000. Turning to the various items of which the bill is composed, under the head of Es-tablishments the total of which comes to R24,579, the vote of R3,000 to the Secretariat is for the extra cost of printing. There is such a vast amount of printing now to be done in connection with papers laid before the Council that it has been necessary to supplement the vote for the printing office by this amount. Under the head of Registration there is provision for the additional staff for taking the census. To this must be added R953 for rent of an office, making a total of R3,223 expenditure for preparations for the census in the coming year. The Government did not anticipate any opposition to the census, and as the motion for a census had been unanimously passed in Council ten years ago, we felt justified in incurring ex-pense for preliminary work necessary to be done this year. In Revenue Services the R36,700 under the head of Salt will be covered by a saving made in other pro-vinces. It is necessary to take a vote, but it will not cause any demand upon the revenue. The Pearl Fishery having been more productive than we anticipated, it has therefore cost more money to collect the Government shares. The large item under Administration of Justice has been due to the great number of criminals brought to the courts: the sessions, as you are aware, have been unusually long and protracted, the consequence having been that the expenditure has been heavier. In Education there is an excess of R45,000 due to the very great extension which has taken place of late in the system of grant-in-aid schools. For some years the difficulty felt by the Education Department was really how to spend the votes of the Council for educa-tion, but latterly the grant-in-aid system has ad-vanced with such very rapid strides that the money was all pledged before we had time to stop it. This will be obviated in the future, as instructions have been given that the grants-in-aid must be limited to the votes of Council. Additional schools will have to wait till we can come to Council for funds. Under Prison Services there is a large increase due to the fact that the prison population has increased during the current year very largely over the numbers of the preceding year. I do not think I need advert to this at any length, but of course it is a matter over which the Government have no control. Criminals are sent to prison, and we are obliged to maintain them there and the expense must be met. Under Roads, Bridges, &c., the only large sum I would call attention to is extra expenditure upon the road from Grandpass to Ratnapura. The heavy traffic from Uva was diverted, as an experiment, from the river to the road, and the esti-mate had been framed without any anticipation of such heavy traffic being put upon it, and the road would have entirely broken down unless an extra vote had been given for its maintenance. There is R10,318 for relief in the North-Western Province, to which I have referred already to-day. Under Miscellaneous Services, Trea-sury, R20,638, one half of this is for the expenditure in connection with the Melbourne Exhibition. I do not think I need detain the Council any longer with ex-planation as to this small bill, and I move the first read-ing of it.

The Hon. the Auditor-General seconded.

THE WHARF AND WAREHOUSE ORDINANCE.

The Hon. the Lieut.-Governor moved the second reading of the following Bill:—

"An Ordinance to amend and continue the Ordinance No. 10 of 1876, intituled 'An Ordinance to repeal the Wharf and Warehouse Ordinance, 1865, and to make further provision for the establishment in Colombo and regulation of a company to perform the duties of Wharf-ingers and Warehousemen.'"

He mentioned that he proposed to add the remaining portion of schedule A to the bill, which he laid upon the table.

The Hon. the Principal Collector of Customs seconded.

The Hon. P. Rama Nathan pointed out the clause 7 repealed schedule A. of Ordinance 10 of 1876 and substituted it by a different schedule. The schedule A. in the old Ordinance had these words:—"These rates include the following operations, viz; receiving into boats, loading, conveying to the Company's ware-houses at the wharf, warehousing, examining and weighing as required for customs purposes, loading

into carts, conveying to and warehousing in the Company's warehouses." Those were very important words, and he did not see them incorporated in the new schedule. In the new schedule bags of rice and grain were charged 9c. each. As a matter of fact the rice traders required the Company to land the bags and deliver to them at the Wharf. Under the ordinance if there was no distribution of that 9c. the rice traders would be compelled to pay 9c. per bag even though the Company had no more to do than land the bags and deliver them to the traders at the Wharf. He therefore formally objected to the bill in order to hear what the Government had to say upon the subject.

The Hon. the PRINCIPAL COLLECTOR OF CUSTOMS explained that if the hon. member would refer to the old ordinance 10 of 1876, clause 8, he would find therein all the words which were inserted in the beginning of the schedule, which words were omitted from the revised schedule. They could only be looked upon as explanatory of that clause. As far as he read the clause and schedule the explanatory clause at the beginning of the schedule was utterly unnecessary. Moreover, it contained a proviso which was not law. It was said that when goods were removed from the Company's premises by consignees and were not placed in the Company's warehouses, a reduction of 10 per cent would be made in the consolidated rates. That was not included in the 8th clause at all; it was a matter between the Wharf and Warehouse Co. and the consignees of goods. It was beyond the law to put that into the schedule. As for dividing the charges in the schedule attached to the ordinance, that was impracticable. All the Government had to do was to provide the maximum scale of rates. The Wharf and Warehouse Co. might if it liked split that up, but the Government had nothing to do with that in the ordinance.

The Hon. P. RAMA NATHAN pointed out the omission of the words "consolidated landing and shipping charges" from the present bill; it had been inserted in Ordinance 10 of 1876.

The Hon. the LIEUT.-GOVERNOR remarked that that was a question for discussion in committee.

The Hon. P. RAMA NATHAN then withdrew his objection, the bill passed the second reading, and the Council went into Committee on the bill. One or two slight alterations in the charges were suggested, and adopted. The bill was ordered to be reported as amended, and referred to the law officers of the Crown.

SUPPLEMENTARY CONTINGENT CHARGES, 1879.

The Hon. the AUDITOR-GENERAL moved to postpone the third reading of the following Bill :—

"An Ordinance for making final provision for the Supplementary contingent charges for the year 1879."

This was agreed to.

The Hon. the LIEUT.-GOVERNOR moved to defer the second reading of the following Bill :—

"An Ordinance to regulate the keeping and use of Explosives."

This was also agreed to.

THE STAMP ORDINANCE.

The Hon. the LIEUT.-GOVERNOR moved the third reading of the following Bill :—

"An Ordinance to amend the Stamp Ordinance, 1871."

The Hon. the TREASURER seconded and the bill was passed.

THE VILLAGE COMMUNITIES ORDINANCE.

The Hon. the LIEUT.-GOVERNOR moved the second reading of the following Bill :—

"An Ordinance to amend 'The Village Communities Ordinance, 1871."

This was referred to a sub-committee consisting as follows :—The Hons. the Lieut.-Governor, the Queen's Advocate, the Government Agent, W.P., J. Van Langenberg, J. P. Obeyesekera and H. Bois.

THE CENSUS ORDINANCE.

The Sub-Committee brought up the following report, and the Council in Committee considered the following Bill :—

"An Ordinance to provide for taking a Census from time to time."

REPORT.

The sub-committee beg to recommend that the following amendments be made to the Bill :—

Clause 9.—Line 7: after the words "boarding house," insert the words "or factory"; and in line 14, after the words "boarding houses," insert the words "or factories."

Clause 10.—Line 4: omit the words "male and female."

Insert the three following as additional clauses after clause 12 :—

13. The officer appointed to superintend the taking of any census shall obtain by such ways and means as shall appear to him best adapted for the purpose the returns required by this Ordinance, with respect to all persons who, during the time appointed for taking any census, were travelling or on shipboard, or for any other reason were not abiding in any house of which account is to be taken by the enumerators and other persons as aforesaid, and shall include such returns in the abstract to be made by him as hereinafter provided.

14. Upon the receipt by a Commissioner of any returns directed by this Ordinance to be delivered to him, or to be forwarded to the Kachcheri to his address, it shall be the duty of such Commissioner forthwith to forward the same to the officer appointed to superintend the taking of the census.

15. The officer appointed to superintend the taking of any census shall cause an abstract to be made of the said returns, and shall certify and forward the same to His Excellency the Governor, within such time as may be appointed by His Excellency the Governor in Council for the purpose; and the same shall be printed and published for general information.

Clauses 13 and 14 in the Bill to be numbered 16 and 17, respectively. B. L. Burnside, W. H. Ravenscroft, A. B. Fyers, J. P. Obeyesekara, P. Rama-Nathan, F. M. Mackwood.

Legislative Council Chamber, Colombo, 10th November, 1880.

Clauses 13 and 15 as suggested by the sub-committee were added, and the following took the place of the 14th clause suggested above :

The officers appointed by the Government to receive schedules and the Commissioners to whom the returns are to be forwarded under the provisions of this ordinance shall in respect of such schedule or returns respectively forthwith forward the same to the officer appointed to superintend the taking of the Census.

The Hon. R. B. DOWNALL thought that translators should be appointed at each Kachcheri so that the returns should not have to be translated in Colombo. It had been pointed out by the last commission that such a course would save R11,000 in expense and a year in point of time.

The Hon. the LIEUT-GOVERNOR replied that that was really a ministerial matter for the Executive Council to arrange.

The Hon. R. B. DOWNALL hoped it would be taken into consideration.

The bill was then ordered to be reported as amended and referred to the law officers of the Crown.

The Council adjourned at 5·40 p.m. till Wednesday next at 3 p.m.

WEDNESDAY, NOVEMBER 17.

Present: His Excellency the Governor, the Hons. the Lieut.-Governor, the Major General, the Queen's Advocate, the Auditor-General, the Treasurer, the Government Agent, W. P., the Surveyor General, the Principal Collector of Customs, J. Van Langenberg, J. P. Obeyesekera, P. Rama Nathan, H. Bois, and F. M. Mackwood.

Absent:—The Hons. the Government Agent, C. P. and R. B. Downall.

THE CONSENT OF H. E. THE GOVERNOR

To the following Ordinances was announced by the Hon. the LIEUT.-GOVERNOR :—Ordinance No. 7 of 1880: "An Ordinance to amend the police Ordinance, 1871;" Ordinance 8 of 1880: "An Ordinance to amend the Stamp Ordinance, 1871."

PAPERS.

The Hon the LIEUT.-GOVERNOR laid upon the table the following papers :—

Returns of Special Grants of Land; Reports on Working of Grain Commissioner; Reports (in MS) on the Giant's Tank, Mannar district.

THE LENGTH OF THE SESSION.

The Hon. H. BOIS: Before proceeding with the order of the day I wish to ask the Hon. the Lieut.-Governor whether he can give us any information as to when the session is likely to close.

The Hon. the LIEUT.-GOVERNOR: It is very difficult to give precise information as to when the session may be closed. It depends very much upon circumstances over which the Government has no control. We hope to finish it at about the 15th of next month, if possible. We shall probably ask hon. members for assistance in doing so.

The Hon. H. BOIS: Then, sir, with your permission, I wish to make a short statement. It will be within the recollection of Your Excellency and this Council that at the beginning of the session I moved for and obtained leave to introduce an Ordinance to provide for registration of powers of attorney. The draft of that Ordinance was prepared some time ago, but I felt that before bringing it forward I should submit it to the criticism of learned and other friends outside the Council. This has taken some time, and I think it desirable that it should be further criticised. In view of the statement made by the Hon. the Lieutenant-Governor, I find it will be impossible to carry the bill through the Council this session. With Your Excellency's leave, therefore, I will postpone its introduction till next session. I do not suppose I shall be in my place in this Council next session, but if there be any real merit in the bill I have no doubt my successor in office or some other hon. member will take charge of it.

His Excellency the GOVERNOR hoped the hon. member would be able to attend the next session. This was a bill which would involve great interests and required great care, and he hoped the hon. member would be able to introduce it himself, in the next session.

EXPENDITURE ON THE KALUTARA RAILWAY.

The Hon. the LIEUT.-GOVERNOR: I move in pursuance of notice :

That this Council concurs in the necessity for charging the over-expenditure of 150,188 rupees and 97 cents on the construction of the Kalutara line to the balance remaining on the Railway Construction Fund.

The latest statement laid before the Council shows that the balance of the Railway Construction Fund was R437,420. The expenditure which it is proposed to charge against that fund to-day will therefore reduce this balance by R150,000. The statements already upon the table will have shown hon. members that this expenditure was one impossible to avoid. Many of the items were pressed upon us in this Council, and other items, such as the telegraph, it was impossible to work the line without. We should have been glad to come to Council earlier to obtain a resolution sanctioning this expenditure but for one point, that we were unable to get, at any rate not till a few days ago, any definite statement of the exact expenditure on railway construction account. And secondly, it had always been hoped that our financial condition would have enabled us to meet this expenditure either by a vote in supply or in supplementary supply without trenching on this little nest egg for railway construction. Unfortunately it is too evident that we cannot afford it from the Supply Bill of this or next year, and the only alternative has therefore been to charge this expenditure to the Railway Construction Fund, a fund upon which it is of course a very legitimate charge. The expenditure has been made for railway construction of the class for which this fund was specially created.

The Hon. the AUDITOR-GENERAL seconded, and the motion was agreed to.

THE RAKWANA COURTS.

The Hon. J. P. OBEYESEKERA moved

For a return shewing the expenditure incurred by the Government in the construction and maintenance of the courts of Rakwana, the number of cases instituted, the number of cases disposed of and the amount of fines recovered therein since the date of their establishment to the 30th of September last.

He said: Sufficient time has elapsed, sir, I think, since the establishment of the courts of Rakwana to render it desirable that we should ascertain whether the benefits derived from these courts have been commensurate with the expenditure incurred by the Government in their construction and maintenance, and whether the requirements of the district in which they are situated are such as will justify any further expenditure in improving them. If they have proved a failure I think they should be abolished: but if, on the other hand, they have been a success every possible improvement ought to be made in them so as to render these courts worthy of their name. If I am correctly informed, the building which is dignified with the name of a court is more fit to be a cattle-shed than a hall of justice; and there is not even a resident clerk in it to receive institutions and issue processes during three weeks in a month. The Courts are held only for a week in the month; and people are put to the hardship of travelling, during the remainder of it, all the way to Ratnapura with their plaints in search of the clerk who is resident there; and I would like to know why it is that the Government have thought it unnecessary to appoint a resident clerk, without whom these courts will be of very little use, as few suitors will care to travel such a long distance as to Ratnapura in order to have their cases instituted? If it be scarcity of work that has made the Government think such a functionary unnecessary, I see no reason why these courts should be allowed to continue feeding on the public revenue so long as they are not productive of a corresponding amount of benefit to the public; but, at any rate, the return I have called for will shew conclusively what steps it will be most expedient to adopt in reference to them and I trust that it will be granted.

The Hon. the LIEUT.-GOVERNOR: I have been able to obtain, in the interval, the return asked for and now lay it upon the table. The Court is an itinerating Court, like many others established throughout the Island. The work done seems to be about a fair amount of work for such a Court and I think justifies thoroughly its maintenance. It would hardly justify the establishment of an independent Court, and as to locating a clerk permanently at Rakwana, it should be remembered that, unless he has enough to do, idleness is a very great temptation. He would be exposed to very great temptation, and we have always hesitated a good deal in creating a staff in a place like that where there could be no control over it. It is more than a year ago since I saw the building itself, and I cannot say it reminded me of a cattle shed. It seemed to me a very fair building, and we have lately built a new house in the vicinity for the magistrate.

The Hon. J. P. OBEYESEKERA was glad to see that the work done in the Court was of such a satisfactory nature, and he thought that that should be one of the principal reasons why a clerk should be appointed to the place. He knew that other courts connected with District Courts had permanent clerks. The object of the courts was to bring justice to the doors of the people, and in the absence of a clerk the chief value of courts of the kind was taken away, inasmuch as the people instead of being able to take advantage of the proximity of the court had to go a long way to the District Court where the clerk was resident

The absence of a resident clerk took away much of the facility intended by Government to be afforded to the people by the establishment of a Court in their midst. Therefore, whatever might be the temptation to which the clerk might be exposed—(he did not speak of a "staff" of clerks)—a single resident clerk should be appointed to the Courts of Rakwana. It was not an expensive thing to do, and he believed it was done in other parts of the island.

WITNESSES AND PROSECUTORS IN JAIL.

The Hon. P. RAMA NATHAN moved

For a return of the number of all persons detained in custody in the Colombo and Kandy jails during the present year, other as being in default of bail, or as witnesses or prosecutors pending the hearing of cases.

He said, there appeared to be a widespread belief that in Kandy and Colombo persons other than those accused of offences were detained in jail. Witnesses, and also, in some cases, prosecutors, were said to be detained. He knew that for some years past it had been a practice among magistrates to remand to jail prosecutors and witnesses: prosecutors, because they would not prosecute their cases, and witnesses because—he knew not for what reason. There was certainly a power vested in magistrates to remand to jail witnesses or prosecutors appearing as witnesses, who refused to answer questions put to them, or were guilty of contempt of court, but, broadly speaking, he did not think they had the power to send them to jail on any other ground, and yet the belief abroad was that for reasons other than those he had mentioned there were several persons detained in custody. In fact in an editorial article in one of the leading papers in the Island, this was publicly stated, and since then he had received a letter from a gentleman of social standing, who among other things said:—

I happen to know that both witnesses and prosecutors are kept as prisoners, contrary to law, both in Kandy and Colombo.

If such a state of things really existed, it was very grievous indeed, but, if not, he thought it was proper that the Government should contradict the report.

The Hon. J. P. OBEYESEKERA seconded.

The Hon. the LIEUT.-GOVERNOR: I have received, just before coming to the Council, the returns asked for, and I lay them on the table. The returns show that no prosecutors have been detained in jail in Colombo, in default of bail, though they do not clearly show the same in Kandy, because the witnesses and prosecutors are both lumped under one head as regards Kandy jail. No complaint that I am aware of has reached the Government on this subject, and of course a person has a right to sue for a habeas corpus if aggrieved by his detention. As far as the returns go, I now lay them on the table, and shall be glad to get any further information for the hon. member, if he desires it.

The Hon. the QUEEN'S ADVOCATE remarked that as the Head of the Queen's Advocate's Department he thought it that right that he should make a statement as to that matter. The law in this colony was quite different on that point to the law of England; in fact he thought the law here was very severe indeed, because it enabled a Justice of the Peace to commit a witness to prison in default of giving security. The law of England did not allow that. It was only in the case of a witness who refused to become personally bound himself that the J. P. had a right to commit to prison. Under the Administration of Justice Ordinance here, the clause referring to that matter said: "A J. P. may require a witness to give satisfactory bail, and if he does not give satisfactory bail he may be committed to prison." He thought that was a very powerful, and might be used as a very oppressive, enactment. He would endeavour in all his communications with Magistrates and J. P.'s to enforce upon them that the discretion invested in them by that law should be used most judiciously and that it should not be an arbitrary discretion; and that wherever personal bail was offered no witness should be sent to prison. He thought that now there was an endeavour on the part of justices to act on his suggestions, and it was only in cases of the justices knowing that on letting out the witnesses they would be tampered with by the other side, that they availed themselves of the power given them.

The Hon. P. RAMA NATHAN was very glad to hear the explanation of the Hon. the Queen's Advocate. The practice alluded to had been in vogue for a very long time, and but for the intercession of the Queen's Advocate he thought the people of the country would have continued to suffer under that same grievance. He had not had time to look into the returns, and did not know whether there were any prosecutors or witnesses in jail without good or lawful cause, and he hoped to find no such cases existed.

SUPREME COURT IMPROVEMENTS.

The Hon. the QUEEN'S ADVOCATE moved the first reading of the following Bill:—

"An Ordinance to provide for the further appropriation of certain unclaimed balances from the funds of the Loan Board."

He remarked that in opening the session His Excellency had stated that there was one work of considerable importance which had been for some time pressed upon the attention of Government and which should at once taken in hand, and that was to increase the accommodation provided for the Supreme Court and for the department of which the hon. speaker was the head. The sum which His Excellency stated to be necessary to complete that work was R78,000, and His Excellency stated that there were funds specially appropriated for purposes connected with the administration of justice, viz., the lapsed Loan Board Funds. The bill he now asked leave to introduce was a bill to authorise the appropriation of a sum of R65,000 from that fund to the work at the Supreme Court. The Loan Board balances fund had been made specially applicable for work connected with the administration of justice. The words of the statute were that the fund should be appropriated "for such purposes or cognate purposes, as the Governor with the consent and advice of the Executive Council shall from time to time think fit." It had been considered better to take the money from the fund under the authority of an ordinance and he therefore moved the first reading of the bill.

The Hon. the TREASURER seconded.

SUPPLEMENTARY CONTINGENT CHARGES, 1880.

The LIEUTENANT-GOVERNOR moved the second reading of the following Bill:—

"An Ordinance for making provision for the Supplementary Contingent Charges for the year 1880."

He proposed that the bill be referred to a sub-committee consisting as follows:

The Hons. the Lieut.-Governor, the Auditor-General, the Surveyor-General, J. Van Langenberg, P. Rama Nathan, and F. M. Mackwood.

This was seconded and agreed to.

THE BUSINESS OF THE SESSION.

The Hon. the LIEUT.-GOVERNOR said he was unable to move the third reading of the Wharf and Warehouse Ordinance, not having received the report of the law officers of the Crown. It had been found that the schedules attached to the original ordinance and moved at the last meeting to a certain extent required amendment. He proposed to have them printed and circulated to hon. members so that they might look over them before the bill was re-committed. He had been appealed to by the hon. member who represented the planting interests to postpone the second reading of the Medical Aid Bill till the next meeting of Council in order that the amendments proposed by the Planters' Association might be considered. He (the Lieut.-Governor) was also unable to go on with the Explosives Bill.

THE CENSUS BILL.

The Hon. the QUEEN'S ADVOCATE brought up the report of the law officers of the Crown, and moved the third reading of the following Bill:—

"An Ordinance to provide for taking a Census from time to time."

The Hon the LIEUT.-GOVERNOR seconded, and the bill was passed.

VILLAGE COMMUNITIES ORDINANCE.

The Sub-committee brought up their report as follows, and the Council went into Committee on the following Bill:—

"An Ordinance to amend 'The Village Communities Ordinance, 1871.'"

REPORT.

The Sub-committee appointed by the Legislative Council to consider the draft of an Ordinance to amend the Village Communities Ordinance, 1871, have carefully considered the said draft, and now report thereon as follows:—

The Sub-committee recommend that to the sub-sections of clause 4 be added the provisions of clause 9 of Ordinance No. 6 of 1872, "regulating the killing of game and buffaloes, provided that such rules are not inconsistent with the provisions of Ordinance No. 6 of 1872, which prohibit the killing of game in the close season or in Crown forests specially reserved," and of clause 16 of Ordinance No. 7 of 1873, "making it an offence for any holder of a licence under the 'Licensing Ordinance, 1873,' or keeper of a tavern to sell, or allow any person to sell to females, spirits, including intoxicating liquors as well as the produce of the coconut or other description of palm or sugar cane."

The Sub-committee think it desirable that all the powers and duties of Village Communities should be included in the Ordinances by which they are constituted and not have to be searched for in other portions of the statute book.

If this suggestion be adopted it will necessitate a slight alteration in the preamble and title of the bill and the repeal of the two clauses of Ordinances No. 6 of 1872 and No. 7 of 1873, which are to be incorporated in it.

They also recommend the addition to clause 5 of the following words: "and if such aggrieved party shall accept the same he shall not be entitled to have or maintain any suit for the recovery of damages in respect of injury sustained by him by reason of such false and malicious or frivolous or vexatious prosecution."

Further, the insertion of the following clause after clause 6:

7. The provisions of the 19th clause of the Ordinance No. 4 of 1867, and the 5th, 8th and 81st clauses of the Prisons Ordinance, 1879, shall extend and apply to warrants of commitment issued by Village Communities under the authority of the hereinbefore last preceding clause.

And as sub-section 1 of clause 9 (formerly clause 8):

Any rules which have been made subject to these alterations, the sub-Committee recommend the draft Ordinance for the sanction of the Legislature.

J. Douglas, B. L. Burnside, J. VanLangenberg, J. P. Obeyesekara, H. Bois.

Legislative Council Chamber, Colombo, 12th November, 1880.

After passing clause 1,

The Hon. the GOVERNMENT AGENT, W.P., said that before proceeding with the second clause he would like to call attention to clause 5 of the original Ordinance 20 of 1871 which he thought should be amended. That clause was:—"Every chief headman's division, or part thereof, so brought within the operation of this Ordinance, shall be sub-divided in villages or convenient groups of villages in such manner as the Governor, with the advice of the Executive Council, shall appoint." He believed that the words "shall be sub-divided" had been held to be compulsory on His Excellency the Governor, and that therefore whenever the Governor brought any part, however small, of a chief headman's division under the operation of that ordinance he was immediately obliged to sub-divide it. He thought there could be no possible reason for that. In many cases the Governor selected a small portion of a chief headman's division in order to bring that portion only under the operation of the ordinance. Why should he be compelled to add another portion to it and then divide it into two? The difficulty was not noticed, apparently, in working the ordinance, for on one or two occasions single villages had been brought under the operation of the ordinance. In September 1873, the village Mulleriyawa, in the Adikari Pattu of the Hewagam Korale, was brought within the operation of the ordinance, and under the printed proclamation there was a notification that "H. E. the Governor has been pleased, with the advice of the Executive Council, to make the following sub-division of 'Nawagamuwa sub-division Mulleriyawa.' This was no sub-division of the part proclaimed, in fact it was impossible to sub-divide a village into villages or groups of villages as required by ordinance. The Governor under the 20th clause of the ordinance appointed a tribunal at Maleriyawa and if he only wished to bring that village under the operation of the ordinance why should he be bound to take in and proclaim another village and divide the two? He thought that the Hon. the Queen's Advocate would bear him out that he had correctly stated the interpretation put upon the clause, and he thought it should be amended.

His EXCELLENCY intimated that the hon. member should urge his objection upon coming to the 3rd clause.

Upon coming to the 3rd clause, which gives power to the Governor and Execu ive Council to establish or abolish a tribunal in village or groups of villages at discretion,

The Hon. the GOVERNMENT AGENT, W. P., said he wished to ask the Queen's Advocate a question. It seemed to him that the 20th clause of the old ordinance which that 3rd clause amended, made it imperative for the Governor to establish village tribunals in every village or groups of villages. The authority was to do a particular act. It was proposed to give him discretion to exercise that authority or not, and he wished to know whether the Governor must exercise that authority according to the 20th clause, or whether it was discretionary on his part to exercise it in any other way. The 20th clause gave authority to do a certain particular art in a particular way. The 3rd clause showed he could do the act if he thought proper, but might he do it in any other but that particular way?

The Hon. the QUEEN'S ADVOCATE thought it meant that the Governor must exercise the power in the way directed by the Ordinance. As to the other question, he thought there could be but one opinion as to the construction to be put upon the 5th clause. Whatever differences of opinion might exist as to whether the words "It shall be lawful for the Governor, with the advice of the Executive Council, to establish village tribunals," &c. were compulsory or not, there could be no doubt upon the 5th clause, because there was no discretion given in the matter. The words were: "Every Chief Headman's division, or part thereof, so brought within the operation of this Ordinance, shall be sub-divided into villages or convenient groups of villages." Therefore if any part of a division were brought within the act that must be sub-divided. He believed that the act never contemplated such a thing as one village being sub-divided. And yet under the 5th clause one village only as part of a Chief Headman's division might be brought within the operation of the Ordinance and if so then such village must necessarily be sub-divided and there might then be two village tribunals for the same village.

The Hon. J. VAN LANGENBERG said that the Committee had some difficulty in dealing with that clause. He doubted the necessity for the first part of the clause, as he was not quite prepared to concur in the view that the 20th clause of the principal ordin-

ance created an obligation or duty on the Governor to establish tribunals in *each* village or group of villages into which a chief headman's division brought under the operation of the ordinance might be subdivided. The power therein conferred was, he conceived at the discretion of the Governor. Whatever differences of opinion might exist as to the construction of that clause he saw no objection to the retension of the first part of the clause, simply as declatory of the intentions of the Legislature. Regarding clause 5, it was perfectly clear that upon any tion is left to the Governor in the matter of subdivision.

The Hon. the GOVT. AGENT, W. P., thought that surely it was advisable to amend the clause so as not to have a repetition of the Governor's bringing *one* village under the operation of the ordinance and yet being obliged to sub-divide it into *two* villages.

The Hon. the LIEUT.-GOVERNOR: The question has been a good deal considered, and it was clearly not the intention of the ordinance that one village by itself should be brought within the operation of the act. The intention was that small groups of villages lying together should arrange themselves into village communities. There was no intention to bring one village as a single unit to be a village community by itself. Therefore it will be clearly the duty of the Executive not to again bring a single village under the provisi ns of the act as in the case of Mulleriyawa. The objection to taking away the obligation to subdivide the division is, I apprehend, that they have authority to bring under the law's operation a whole of a chief headman's division, but it was not the intention of the ordinance that the unit which should work for the purpose of passing rules should be so large as the whole division. It was intended that small gronps of villages should work all together, and I remember that there was a considerable fear expressed at the time as to whether or not the rules passed under the ordinance would be made by the Government Agent or mudaliyar of a division instead of by the people. It will be quite apparent that in a whole chief headman's division there may be constantly rules which will suit one part and which would not suit another part. It is for that reason that the intention of the ordinance was that the parties to frame rules and work under this ordinance should be small collections of villages, sub-divisions of a headman's division, and not the whole of a headman's division together. That point was considered by the Executive Council, and we thought it very undesirable to go back upon the policy of the ordinance and create a larger unit, and that is why we refrained from abolishing this obligation to subdivide. I think the difficulty about one village can be got over in future by arrangement, and the only thing we shall have to do will be not to bring one village under the operation of the ordinance unless it is large enough for sub-division.

The Hon. the GOVERNMENT AGENT, W. P., pointed out that the objection applied equally whether there was one village or six; if six villages were sufficiently large to be worked by one village Council the Governor might bring those villages under the operation of the ordinance, but he was obliged to make some special division directly he brought that unit of villages under the operation of the ordinance. He had to bring rather more under the operations of the ordinance than was intended to be dealt with, in order to subdivide it.

His Excellency the GOVERNOR thought the Hon. the Government Agent, W. P., had not quite appreheaded the meaning of the Hon. the Lieut.-Governor's remarks. The power of legislating for groups of villages was subdivided because some rules which would suit one group might not suit another group in the same division. If they looked at the 6th clause of the Ordinance 26 of 1871 they would see that there were many objects for which legislation was authorized that must almost necessarily differ in different villages. One tribunal might hear a case from half-a-dozen village communities and therefore the boundaries of each village tribunal were never intended to be the same boundaries as those of the village communities. The latter were meant to be smaller than the former.

The Hon. the GOVERNMENT AGENT, W. P., then withdrew his objection.

The Hon. the LIEUT.-GOVERNOR proposed the addition of two clauses, which were taken from other ordinances, and were inserted here so that the native headmen might have their duties stated in as concise a form as possible.

The Hon. the GOVERNMENT AGENT, W. P., suggested that clause 6, section 1, of the Ordinance 26 of 1871 should be amended so that rules could be made by the inhabitants, not only for the construction, regulation and protection of village paths, &c., but also for the construction, regulation and protection of court-houses. Nearly all the court-houses in the W. P. had been built by the labour of the people.

The Hon. the LIEUT.-GOVERNOR said that point had been considered in sub-committee and they had on the whole agreed it would be better not to compel the villagers to build their own court-houses. The villagers could well understand it was best for themselves to make and protect their village paths, ambalams, &c., but it seemed like ask ng a boy to make a whip to beat him with to ask the villagers to build their own court-houses. Upon the first establishment of a village tribunal, to ask all the people to turn out and help to build a court-house would be risking the success of the measure and lead to misunderstanding. In one province they had been inundated with petitions from the inhabitants against being compelled to work at the court-house or contribute money towards it. That had been partly their reason for not making the erection of court-houses a compulsory measure. It would imperil the popularity of the village tribunals.

The Hon. J. VAN LANGENBERG thought there was one great practical difficulty in the way of working such a compulsory measure as proposed, and that was that they had just determined that the limits of the village communities would not necessarily be co-extensive with the village tribunals, and he could not understand how the inhabitants of any village, the rules of which may be different from them in another, could be competent to erect Court-houses in which they may not have any interest.

The Hon. the QUEEN'S ADVOCATE thought there was a still greater objection inasmuch as H. E. might abolish any of the village tribunals and then what would become of the Court House?

The Hon. the GOVERNMENT AGENT, W. P., would not press his suggestion, if the Government were prepared to build the court-houses. The people were the applicants for the introduction of the ordinance and for the judicial tribunal, and if they did not intend to have a court house they would not ask for the village tribunal. There had been great difficulty in getting a court-house and furniture for it in some places. He should also propose to insert a provision for the making of rules for the construction and upkeep of roads as distinguished from "village paths," by the people.

The Hon. J. VAN LANGENBERG said that the question had been considered in sub-committee and they had thought that such a burden ought not to be imposed.

The new clause 7, as recommended by the sub-committee, was inserted and after some minor amendments it was ordered that the bill be reported as amended and referred to the law officers of the Crown.

The Council then adjourned till 2 o'clock on Wednesday next.

WEDNESDAY, NOVEMBER 24.

Present: His Excellency the Governor, the Hons. the Lieut.-Governor, the Major General, the Queen's Advocate, the Auditor-General, the Treasurer, the Government Agent, C. P., the Government Agent, W. P., the Surveyor General, the Principal Collector of Customs, J. Van Langenberg, J. P. Obeyesekera, P. Râma Nâthan, R. B. Downall, H. Bois, and F. M. Mackwood.

THE ASSENT OF THE GOVERNOR

to Ordinance No. 9 of 1880:

"An Ordinance to provide for taking a Census from time to time,"

Was announced by the Hon. the LIEUT.-GOVERNOR.

THE AVAILABLE SURPLUS FUNDS.

The Hon. H. BOIS: I rise, sir:

To call attention to Sessional Paper No. 57 of 1879 in connection with the return laid upon the table on 27th October, 1880, and to move for papers.

The object of my motion is to elicit some information as to a discrepancy that apparently exists between the returns of cash and surplus balances furnished to my predecessor, which returns are embodied in sessional paper No. 57 of 1879 and those laid upon the table of this Council on the 27th October last pursuant to my motion of that date. It appears from the earlier return, which is dated 25th November 1879, that the amount of surplus revenue available for appropriation on the 31st December 1878 was R1,131,493·76, after providing for the special reserve of the R500,000 required by the instructions of the Secretary of State for the Colonies. The only ordinances passed since the 31st December 1878 in connection with the surplus revenue available on that date have been No. 13 of 1879 which appropriated a sum of R775,000 and possibly the No. 8 of 1879, which appropriated a sum of R122,220·41, but inasmuch as the ordinance last referred to was dated 1st December 1879 and made provision for the supplementary charges of 1878, I think this amount must have been taken into account in framing the returns dated 25th November 1879. If so, the surplus available on 31st Dec. 1878, R1,131,493—76, can only have been reduced by a sum of R775,000, leaving a balance available on 31st December 1879 of R356,493·76 or R356,493·76, including the special reserve of R500,000 already referred to, and not taking into account any lapsed votes returned into revenue during the year 1879. His Honor the Lieutenant-Governor in his budget speech stated that the revenue and expenditure of 1879 almost exactly balance, for although a considerable falling-off in revenue was shown by the accounts of the first 9 months of the year, an unexpected wind-fall of R670,000 in connection with the Colonial store department restored the position before the year ended and the final result was a small surplus of R841 on the year, the exact figures being: the revenue R14,748,666, expenditure 14,747,825; the sum of R356,493·76 remaining unappropriated from the balance of 31st Dec. 1878 was therefore unaffected to any material extent by the result of 1879, and the amount apparently available for appropriation on 31st December 1879 remained about the same, R857,334·76, exclusive of lapsed votes returned into revenue during 1879. The return laid upon the table on 27th October 1880 shows that instead of a balance which should have been available of R857,334·76, there was in point of fact only a balance of R447,000, and it is in connection with the difference between these two amounts, R410,334·75, that I now ask for some information.

The Hon. R. B. DOWNALL seconded.

The Hon. the LIEUT.-GOVERNOR: The hon. member is quite correct in assuming that when the statement No. 57 of 1879 was laid on the table all the charges for 1878 had already been provided for and the balance shown in the statement No. 57 to be available was not affected by the supplementary bill for R122,000. The difference to which the hon. member has pointed has arisen somewhat in this way. These balances are, as the Council knows, the accretion of the surpluses of revenue over expenditure which arise year by year, and of lapsed votes which occur year by year. They are subject to decretion by ordinances passed in the Legislative Council or by deficits between revenue and expenditure. Now if the hon. member will kindly note down the figures I am going to quote—I am sorry to have to ask him to do so—I think he will then be able to understand clearly how the discrepancy arises. The balance, including the reserve available for appropriation on the 31st December 1878, was ... R1,631,494 00

To that has to be added the surplus of 1879, viz., ... 838 00

The balance of votes lapsed during 1879 to the extent of ... 1,641 00

That answers for a portion of the hon. member's motion. Then we imported into the island cent coins value... 35,000 00

the cost of which was paid by revenue, and therefore they are a legitimate addition to balances, and last ... 200,064 00

has to be added in respect of a loan made to the Municipality of Kandy. That loan was not included in the previous statement, through an oversight. Actually two years ago there was a pledge given to the hon. member then representing the mercantile community that when a further loan for the Kandy Municipality was made this loan should not decrease the balance then available. This gives a gross total of ... 1,675,037 00

Deducting therefrom ... 775,000 00

the amount appropriated by the Surplus Funds Ordinance of 1879 you will leave ... 1,100,037 00

Deduct therefrom ... 447,807 00

the amount which was shown in the statement recently laid before Council and we have a difference of ... 652,230 00

which is what I have to account for. Now, sir, as I have already stated to the Council, the general operations of the year 1879 left a large deficit of revenue beneath expenditure. Those general operations left a deficit of little over R671,000. If that deficit had actually been allowed to occur it will be seen that the balance now shown would even have been somewhat decreased. That is to say, that instead of having R447,000 we should have only had R425,000 available, but by carrying to revenue, which we were obliged to do as a matter of account, the value of all stores in stock during the year 1879 this deficit was turned into a small surplus of R838. But this operation was only rendered possible by advancing in a more or less permanent way a similar sum to meet regular advances that have to be made for procuring the stores by which we carry on the working of our great spending departments. Those advances amounted to R650,000, and are not available for appropriation because they are advances which, though they may vary slightly in amount from time to time, are nevertheless always outstanding. We must always have about that sum outstanding. There has been no interference with the privileges of Council in the matter, because had not we transferred the sum of R670,000 to revenue, the result would have been precisely the same within a few thousand rupees. It is merely that the money has been transferred from balances to revenue. We were obliged to do it in order to keep the accounts of the Colonial Store straight, being assured by the Auditor General that it was impossible to do otherwise. I have endeavoured to make the explanation as intelligible as possible, but it would have

been better explained in the committee on the Supply Bill.

The Hon. H. Bois thanked the Government for the explanation, which was perfec ly clear. He would ask whether it was not a breach of the privileges of that Council to make up a deficit in general revenue from available surplus balances without taking a vote of the Council. Practically the result of that explanation was that of the available balance in 1878 some R167,000 had been appropriated without an ordinance to meet the deficit of the year 1879.

The Hon. the LIEUT.-GOVERNOR: The whole of the expenditure causing that deficit has been voted by Council. If the expenditure had not been covered by votes of Council of course there would have been an interference with the privileges of Council; but as every cent has been voted by Council under authoritative Ordinances of this Council, I cannot see that there has been any sort of int rference with such privileges. The deficit must be met and must be met out of these bala ces. The balances are increased by surpluses and must be reduced by the deficits. So long as the expenditure which caused the deficit is authorized by ordinance I cannot see that there is any possible interference with the privileges of Council.

POSTPONEMENT.

The Hon. R. B. DOWNALL asked and obtained leave to withdraw the next motion on the order of the day, in order that he might introduce it, amended, in a fortnight. He also obtained leave to postpone for a week the motion with reference to the increase of crime in Rakwana.

HAMBANTOTA CARGO BOATS.

The Hon. R. B. DOWNALL moved:

For all papers referring to the present condition of the cargo boats at the port of Hambantota.

He had no remarks to make upon the motion until he had seen the papers.

The Hon. the LIEUT.-GOVERNOR: I have laid these papers on the table. I may say that on the 29th October I received certain representations from the Government Agent at Galle that it would be desirable to have different arrangements: to have a new boat of an expensive sort ordered for use at Hambantota. Had that been received two months before there would have been no difficulty in granting it, but the request was received the day after the Supply Bill had been passed by committee, and we were not prepared to commence the supplementary estimate for 1881 then. The boats at present in use are, I believe, susceptible of being repaired, and have been ordered to be repaired. The only reason why Government has not been able to supply the new boat has been that it would be unreasonable to begin the supplementary estimate a day after the Supply Bill had been passed.

A COMMISSIONER OF ASSIZE.

The Hon. the QUEEN'S ADVOCATE moved the first reading of the following Bill:—

"An Ordinance to provide for the appointment of a Commissioner to hold Criminal Sessions of the Supreme Court."

He remarked that in sessional paper No. 33 it would be seen that as far back as July last the judges of the Supreme Court called the attention of His Excellency to the increase of business in the Supreme Court and the necessity for provision to meet the pressure put upon the judges and Court. They recommended two courses. They said:—

"There appear to us to be two remedies for the relief of existing pressure of business in the Supreme Court. One is to appoint a fourth Judge; the other, to allow appeals from final decrees of District Courts to be heard and decided by a single Judge, in the same way as appeals from interlocutory orders and from judgments in criminal cases, &c., may now be heard and decided. His Excellency, in taking into consideration those two suggestions, was of opinion that it was undesirable that either of the courses should be adopted. But His Excellency fully recognised the fact that it was absolutely necessary to make some provision to meet the existing pressure, and that power should be given to appoint a Commission from time to time as occasion required, to hold criminal sessions of the Supreme Court. By this means whenever it was repre ented to the Governor by the Supreme Court that it was desirable to relieve the Court of a pressu e of criminal business, a Commissioner would be appointed to hold criminal assizes and the Supre e Court would be relieved. This suggest on met with the approval of the Secretary of St te, and for the purpose of carrying out the views which H. E. had enunciated he (the Q. A.) had now to introduce to the Council a bill with the title of "An Ordinance to provide for the appointment of a Commissioner to hold Criminal Sessions of the Supreme Court." The bill was a short one and its effect would be: first, that when the Chief Justice should recommend to H. E. that it was desirable that a Commissioner could be appointed to hold criminal assizes throughout the country H. E. could appoint such an officer, and he would be able to go about and hold criminal sessions at such places as were appointed under the provisions of the Administration of Justice Ordinance. That was the main feature of the bill, and the other clauses were mere matters of detail. The third clause provided that sessions of the Supreme Court held before the Commissioner should be taken to be sessional courts held befor a Supreme Court judge, and the bill vested the Commissioner sitting in session with all the powers of a judge in session and gave to the session all the privileges which it would enjoy as a session of the Supreme Court. That was thought desirable so as to vest the Commissioner with all the paraphernalia—if he might so call it—of a judge. The next clause was, perhaps, very material, because it provided for the remuneration of the Commissioner, and that had been fixed at a maximum not exceeding the salary of a judge. With those observations, he moved the first reading.

The Hon. the LIEUT.-GOVERNOR seconded, merely adding that that Ordinance was brought forward with the concurrence of the Chief Justice.

The second reading was fixed for the next meeting.

VILLAGE COMMUNITIES ORDINANCE.

The Hon. the LIEUT.-GOVERNOR: Before moving the third reading of the Village Communities Amendment Ordinance, I shall be glad if it can be re-committed in order to make clear two sub-sections of the original Ordinance about the meaning of which there is some doubt: the sub-sections 1 and 2 of clause 21 of the Ordinance 26 of 1871. These two sub-sections have been thought over a good deal by various legal authorities during the past week, and the conclusion of most of us is that the more we look at them the less we can quite understand what they mean. Of course we understand what they are intended to mean, and we propose to substitute sub-sections almost in the same words in order to make it thoroughly clear. I move that it be re-committed for this purpose.

Clause 8 was then inserted as follows:

"The first and second sub-sections (criminal) of the 20th clause of the principal ordinance are hereby repealed: The Criminal Jurisdiction of Village Tribunals under the 21st clause of the said principal ordinance shall extend to (1) petty assaults, that is to say assaults which are punishable by law or custom by no higher punishment than a fine of twenty rupees or imprisonment for two weeks.

(2) Petty theft, that is to say thefts where the property stolen does not exceed the value of twenty rupees or when the theft is not preceded or accompanied with violence to the person and which are punishable by law or customs with a higher punishment than a fine of twenty rupees or imprisonment for two weeks."

The Hon. R. B. DOWNALL thought it was very desirable that some addition to the ordinance should

be made to provide for prosecution for cattle trespass. In many cases the omission caused much injustice on the part of the European and hardship to the native. People could get licenses to shoot the trespassing cattle. This he did not approve of: buffaloes were generally practically wild animals, and when they happened to catch them or cattle they often had to take them 16 or 20 miles to court, great expense being incurred, and the owner of the beasts probably failing to appear. The hon. member thought it would be very desirable to dispose of such cases before the village tribunals. Summary justice would be most advisable, advantageous to the native and satisfactory to the European.

The Hon. the LIEUT.-GOVERNOR: Cattle trespass as between native and native is provided for, and this ordinance is expressly for dealing with village affairs as between native and native. Europeans are expressly excluded from its operation and the proceedings are required to be carried on in the native languages. It will therefore be absolutely contrary to the whole principle of the original bill to include the European element within the operation of its provisions. It was known that the hon. member was anxious that some such provision should be introduced, and the question was considered in subcommittee, and we agreed that it was quite impossible so to violate the provisions of the ordinance as to extend the operation of it to European questions. For that reason we decided that this could not be done. Those are reasons which I think will commend themselves to every member of this Council.

The Hon. J. VAN LANGENBERG and the Government Agent, W. P., made suggestions for slight amendments, which were not adopted. The third reading was then moved, and agreed to.

SUPPLEMENTARY CONTINGENT CHARGES, 1879.

The Hon. the AUDITOR-GENERAL moved the third reading of the following Bill:—

"An Ordinance for making final provision for the Supplementary Contingent Charges for the year 1879."

The Hon the LIEUT.-GOVERNOR seconded and the Ordinance was passed.

SUPREME COURT EXTENSIONS.

The Hon. the QUEEN'S ADVOCATE moved the second reading of the following Bill:—

"An Ordinance to provide for the further appropriation of certain unclaimed balances from the funds of the Loan Board."

The Hon. J. VAN LANGENBERG expressed a desire to see the plans of the proposed alterations at the Courts provided for in this bill, as he noticed that the sum to be voted was less than that mentioned by H. E. in his opening speech. He enquired if there had been any change in the original plans.

The Hon. the LIEUT.-GOVERNOR: The plans have been agreed to by the Chief Justice. They are exactly what he asked for.

The plans were ordered to be laid on the table by next meeting and the second reading of the bill was agreed to.

WHARF AND WAREHOUSE COMPANY ORDINANCE.

The Hon the LIEUT.-GOVERNOR, pursuant to notice, moved to re-recommit the following Bill:—

"An Ordinance to amend and continue the Ordinance No. 10 of 1876, intituled 'An Ordinance to make further provision for the establishment in Colombo and regulation of a Company to perform the duties of Wharfingers and Warehousemen.'"

Some amendments were made as suggested at the last meeting and the report of the law officers having been read, the bill was read a third time and passed.

FURTHER TOLLS.

The Hon. the LIEUT.-GOVERNOR: In moving the second reading of the following Bill:—

"An Ordinance to establish Further Tolls and to discontinue certain tolls,"

I would say that all the eight tolls proposed to be established are existing tolls already sanctioned by the Legislature, and the bill as it stands does not propose to establish further tolls. These tolls as they stand have become of doubtful legality. To mention one for example, on the road from Colombo to Galle, between the 26th and 29th mile posts: the alteration of the road, which now goes over the new iron bridge at Kalutara instead of going over the wooden bridge, has altered the entire course of the road for a mile, and on that mile the toll stands. The toll has not been changed, but the road has, so that the toll is possibly illegal. All the tolls proposed to be established are for the purpose of making such tolls legal. The two tolls to be abolished are not worth keeping. It is intended at the next meeting of Council to propose to add to this list one toll on the Kudaoya Gap asked for by the Dikoya planters, as the Dimbula carts use the Dikoya road and pass over it going up by way of Hatton and so escape contributing to the upkeep of the Dikoya road. It is also proposed to create one or perhaps two tolls on the main Dimbula road taken over from the planters. That will be carrying out the ordinary course in such a case.

The motion having been seconded, was agreed to.

COOLY MEDICAL AID.

The Hon. the LIEUT.-GOVERNOR: In moving the second reading of

"An Ordinance to provide for the Medical Wants of the Coffee Districts,"

it is of course known to all hon. members that certain amendments to this ordinance have been suggested by the Chamber of Commerce and Planters' Association, and that the papers containing those amendments in detail have been circulated to each member of Council, and I believe most of them will be moved by the hon. members who represent the planting and mercantile communities. Now, on the second reading of a bill we have first of all to settle the principle of the bill. After the bill has been read a second time it is not possible to bring forward in committee or sub-committee amendments which would upset the principle of the bill. Those amendments must be confined to matters of detail which do not attack the principle of the bill. It will therefore be no doubt convenient that I should state to the Council those portions of the amendments proposed by the Planters' Association and Chamber of Commerce which we consider strike at the root of the bill, and which we think, therefore, should be dealt with on the second reading. Those amendments, if all adopted, would transmogrify this bill from a bill which means one thing to a bill which would mean something else, which would be something like proposing to repair a gun by providing a new lock, stock, and barrel, and leaving only the ramrod. Of course we want the old gun and not one repaired in that unique manner. To start at the outset, it proposes to alter the title of the bill, and instead of a bill "to provide for the medical wants of the coffee districts," it is proposed to make it a bill "for the extension of the Civil Medical Department." I may confess I don't know what this means, because we do not want an ordinance to enable us to extend the Civil Medical Department, as in that case we should merely have to come to Council for an increase of the budget. Then it is proposed, having extended the Civil Medical Department in this way, to make it extend to any extent of cultivated land not under ten acres in which labourers are employed. That of course would include the paddy fields of the hon. the member for the Sinhalese community and of his neighbours. And similarly as regards clauses 3, 4, and 5, there are amendments proposed striking directly at the very principle of the bill, which would make this bill not one to provide for the medical care of the labourers on the coffee estates in the island, but a bill for the medical care of labourers generally, including

those employed by the hon. the Sinhalese member in his paddy fields; and also, instead of levying a fund necessary to meet the expenditure on this medical aid from the produce of the planting community, to levy it by means of an additional duty on rice imported into the island. Now this of course strikes at the very principle of the bill and therefore the amendments to clauses 1, 2, 3, 4, and 5 will have in one way or another to be disposed of to-day. The amendment in clause 17 of the bill, 15 in the amended draft, also strikes at the principle of the bill. It proposes to strike out the words which provide for the cost of extensions of existing hospitals and of the erection of new ones being charged to the fund, and therefore throws that cost upon general revenues. There are other matters in the bill which as presented here the Government cannot undertake to agree to, though prepared to let them go to sub-committee. I would merely guard myself against giving any assent to them as at present explained by not opposing them at the present stage. They can be met in sub-committee or in committee. I refer, for example, to the salaries of the medical officers. This bill, as brought in, is a bill to provide for medical aid for *coolies*. Now if the medical aid is to be paid for by the planters the amount of salaries is a matter in which they have a direct interest, and it may very well be left to the sub-committee whether those salaries shall be more or less liberal. But if the salaries of the medical officers, who under this enhanced rate of pay will have specially to attend on the wives and families of planters and their superintendents, are to be charged upon a customs duty which Your Excellency and myself, the Sinhalese gowiya and the Tamil labourer will be called upon to pay, I say it is an injustice—(Mr. Obeyesekera: Hear, hear)—which the Council can hardly stand. That is a matter which the Council may very well leave to be dealt with in committee. With reference to an export duty which it has been proposed by Government to levy on coffee and other products, I would say it has appeared to Government that we were between a choice of three modes of levying the necessary funds. Undoubtedly the preferable mode would be to levy it by a capitation tax on the coolies employed on the estates, but every planter of experience whom I have been able to consult has told me the same thing: that such a tax, though fair in principle, is impossible of collection, and I believe there is no doubt such a tax cannot be collected. There is the acreage assessment, to which as a Government we have of course no objection, but which is strongly objected to by planters. And last year, when the hon. member who then represented and now represents the planting community made an appeal to the Government to allow the question of the Medical Aid Bill to stand over for another session he spoke as follows:—"Then the question came as to what sort of ordinance was required if the one before the Council was not satisfactory. At the meeting of the Chamber of Commerce on the previous day a resolution was passed and carried:—

That in the opinion of this Chamber the proposed Medical Aid Ordinance, 1879, should be abandoned with a view to the introduction at the next Session of Council of an amended ordinance having for its basis a system of medical aid altogether under Government organization and control—the necessary revenue being provided by an export duty upon produce.

And the hon. member confirmed that resolution of the Chamber of Commerce by stating his own opinion:—"It was the opinion of many that the best way was to hand the whole thing over the Government and have an export duty on the chief products; coffee, Liberian coffee, cinchona, tea, and cacao. The export duty could be fixed. If he took a very low estimate and supposed there was an export of 500,000 cwt. that an estimate of 25c. per cwt. would give R125,000. Cinchona should be taxed in proportion to value, and tea at a lower rate than coffee. The fairest and most practical way of collecting the assessment would be by a small export duty."

Therefore in proposing an export duty on coffee, tea, cinchona and cacao we acted in accordance with the desire expressed by the Chamber of Commerce who claim to represent the proprietors of the estates of Ceylon, that is to say, the great majority of them, and of the hon. member speaking on behalf of the planters. As I said, we have ourselves no preference for an export duty over an acreage assessment, but the principle of this bill is that by some tax levied on estates in the coffee districts the cost of providing medical aid for the coolies employed on these estates should be met. And the provision we have brought forward is in accordance with the resolution of the Chamber of Commerce and the strong recommendation of the hon. member then and now representing the planting community.

The Hon. R. B. Downall: Might I ask a question? I refer to clause 17. I think you (the Lieut. Governor) referred to clause 12.

The Hon. the Lieut. Governor: I referred to clause 17 of the ordinance and 15 of the amended ordinance, where it is proposed by the Planters' Association to strike out "and such sum shall be repaid out of the Medical Aid Fund with interest at 4 per cent. in such instalments as may be directed by the Governor, with the advice of the Executive Council." That would throw the whole cost of any alterations or additions to hospitals on the general revenue.

The Hon. R. B. Downall remarked that he should not oppose the second reading of the bill, because he was anxious, as he promised last year, when he said that some measure should be considered by the Planters' Association and those interested, that they should now arrive at some definite conclusion. He should merely state his objections and propose an amendment that the Committee be instructed to consider certain principles of the Bill referred to by the Hon. the Lieut. Governor. The nature of the measure was referred to by His Excellency last year as one of the greatest importance of any measure introduced during last session. There was no doubt that that importance still existed, and that it was a measure of the greatest importance of any brought before the Council this session. As the representative of the planting community he did not object to certain legislation by which they might be assisted to take better care of the coolies. There had never been any objection to such a scheme, but they objected to a special and excessive tax for such assistance. They maintained that had the Civil Medical Department been extended commensurate with the increase of population in the coffee districts as it should have been, there would have been no reason for special legislation. The Hon. the Lieut.-Governor had referred to the amendments of the Planters' Association as like putting a new lock, stock and barrel to a gun. The planters were of opinion that without those amendments the gun was not of the slightest use, as it would never go off when wanted to. The objections he had to that bill were as follows:—In the first place, to the title of the bill because it was called a bill "to provide for the medical wants of the coffee districts." He maintained there was no reason for special legislation for the coffee districts. All immigrants in the island had as much right to attention as those on the coffee estates. There were large numbers on the roads, employed by the Government, and he could prove that they had not the same attention and care bestowed upon them as those on the coffee estates. On the railway extension there were also large numbers for whom there was no special legislation, and for whom no medical treatment was provided, and also, in the other parts of the island. Government coolies on irrigation works and roads. It was casting

a slur on the care taken of their coolies by the planters. The immigrant cooly had as much right to claim medical treatment from Government as any villager in the island. He (the cooly) paid as much taxation on an average, as any other class of Asiatic in the island, and had therefore as much right to medical attention. Any extra attention the planters were quite willing to provide and pay for, and also willing that an ordinance should be passed setting forth regulations for that extra attention. But that they should be taxed for a special fund for attendance in the coffee districts was unjust and uncalled for. As according to the orders of the Council he could not reply to certain objections which might be made to his statements he would answer those objections in anticipation. He might be asked how coolies were taxed as highly as others. The average taxation in the Colony was R4 per head. The cooly paid R2·90, supposing he took 10 bushels of rice in a year, on which the duty was 29c. He also paid tax on his arrack, salt-fish, currystuff, cloths &c., making his tax as high as that of other natives. Therefore he was entitled to his equal share of medical aid from Government. Any extra aid the planters were quite prepared to provide and pay for. As to the condition of the coolies on the coffee estates and the care taken of them, no higher testimony could be brought forward than the testimony of Sir Wm. Gregory in 1872, which he had already quoted in that Council last Session and that of Lord Elgin, in 1861, and also at the same time of the Indian Government, and Sir Coomara Swamy in 1872. Sir Coomara Swamy said, "Much praise is due to the planting community for their considerate treatment of the Tamil labourer." Lord Elgin remarked that he was particularly struck with the free and upright bearing of the immigrant cooly compared with the inhabitants of Bengal, and he went on to advocate free emigration from India. The Government of India also in 1861 stated:—"The Legislative measures already taken by the Ceylon Government, seem to the Governor General in Council to be ample to secure the liberty and fair treatment of Indian laborers who migrate to the Island, and the late Ordinance indeed affords them even a greater degree of protection than they would receive if they migrated to any other part of India than that in which they reside." Such having been the opinion of the Government of the country from whence the cooly came, he maintained that nothing had ever been proved to show that now it was necessary to put an extra tax upon the cooly's employer in order to give him care and attention on the coffee estates which he had not formerly received. With regard to the Government coolies, he maintained that they should have as much medical attention and care as the coolies on coffee estates. The Hon. the Colonial Secretary in introducing the bill in 1872, said:—"It is the duty of the Government, as well as of the planter, to see that the immigrant coolies are properly looked after, and it must be for the interest of the planter that their physical health should be attended to by competent persons, and that he should be relieved of the trouble, responsibility and *expense*, of the medical care of his labourers." It was proposed to do nothing to relieve them of expenditure on the medical care of their coolies, and as stated by his predecessor, they were quite willing to bear any extra expense. But they were not prepared to allow that extra expense should be more than others had to pay. He might take that opportunity to state one or two facts regarding Government coolies who did not receive such care as the coolies on the coffee estates. He had already mentioned in that Council the disgraceful state of the Government cooly lines. There was at present a case where pioneer coolies and Government coolies were employed on the same road extension: the lines were in a most unhealthy situation, and the death rate enormous. The medical officer stationed with the pioneers refused to pay any attention to the *Government* coolies because he said it was not his duty. Another case—and he thought that when they had such an unfair tax proposed, the planter should give his side of the case as well as those who cast a slur upon him by saying it was necessary to have the ordinance enforced in the coffee districts only—was where coolies were sent to a very unhealthy part of the island. No doctor was sent with them. One was applied for and he refused to go. He was, however, afterwards discharged. The coolies were in one of the most unhealthy, feverish districts of the island, and no doctor had been sent to them, and they had *no* quinine. Therefore the Government had not fulfilled its duty. The planters proposed that all labourers should have medical aid, and they were entitled to the medical aid legislated for under that ordinance, as the principle of the bill which the Hon. the Lieut.-Governor drew attention to certainly pointed out that it would not be extended to all labourers. He would propose:—

That the Committee be instructed to consider the title of the bill, and to alter it as follows:—An Ordinance to provide for the medical wants of planting districts. To amend clause 4 as follows:—Omit words in first line ("a special") and in line five to omit from "a" to "duty" in line eight, and to add in line eight after the word "duty" "not exceeding three cents per bushel on all rice imported at Colombo, Batticaloa, Galle, or any other port the Governor may select, which duty," &c., &c., &c.

It was argued that it was not necessary that other labourers should be legislated for. He argued that where large numbers of contractors were constantly employed on the estates they should be attended to the same as the coolies. Why should not the men felling forest be able to be sent to hospital the same as the others? Why should not all artisans employed on the estates be included under the provisions of the ordinance and not merely the cooly, who, he maintained, it had been clearly proved was well taken care of? If not so, the coolies would not come here in increased numbers. And he maintained further, knowing as he did a good deal of the districts where the immigrant labourer came from, that the immigrants received much more attention here and were pleased and satisfied and therefore returned here from their country, where there was no such legislation for their medical comfort. In the debate of 1872 his predecessor also said, referring to Government coolies, that in 1859 and up to 1868, 6,000 were employed; no doubt since then the number was far above that; and the hon. speaker now asked why they should not have the same attention by the Government that it was proposed to enforce upon the planters. The hon. member who previously represented the European interests—but who he was sorry to say was no longer alive—had referred the Government to the 3rd and 4th verses of the 7th chap. of Matthew* and he could not do better than hope that the Government would now read and inwardly digest those verses. The hon. member who represented the Sinhalese interests last year objected to coconut estates being included and informed them that no Tamils were employed on those estates. However, they found that the late hon. member for the Tamils, Sir Coomara Swamy, alluded to extensive coconut estates in the Negombo districts where Tamils were employed and said "What he would desiderate was that Government, planters and even gentlemen like his hon. friend (Mr. Wilson) who had extensive coconut estates in the Negombo district, should provide for the medical care of the coolies they employed." He (Mr. D.) was prepared to say that large numbers were employed

* And why beholdest thou the mote that is in thy brother's eye, but considerest not the beam that is in thine own eye? Or how wilt thou say to thy brother, let me pull the mote out of thine eye; and behold a beam is in thine own?

on those estates and also on cinnamon estates; and yet they had no more care than was given to ordinary villagers. If it were necessary for the coffee planters' coolies, it was only fair, that instead of bringing forward an ordinance which cast a slur upon the employers who were most careful of their labourers, it should be made more general, and extended to all planting districts. The mode of assessment, so far, had been referred to by the Hon. the Government Agent, C. P., when he said it was an obnoxious tax which in many instances would be the last straw to break the back of the overburdened planter. With such strong testimony it was not to be wondered at that the Government thought fit to abandon that obnoxious tax. However, they only abandoned it to bring in another tax to apply to producers and not to consumers. The objections to clause 4, to an export duty, were many. In the first place he contended that the planters were already paying a very large percentage of their profits in taxation. If they would refer to "Speculum"'s valuable papers they would find that about one-half of the earnings of estates were paid, directly and indirectly, to the general revenue in taxes. Then the export tax became a tax which was opposed to all principles of political economy. A tax on produce meant increased cost of production, and as they had no monopoly in their product, therefore it did not rise in value to the extent of the tax imposed, which was the case of most commodities where they had no competition. But that tax would decrease their capability to increase their production. In fact it became an income tax. When a tax was imposed on larger incomes at a higher rate than smaller ones it was to levy a tax on industry and economy. He maintained that to levy an export tax would appropriate a large sum of money otherwise used in increasing the production of the staple product of the island. After two years depression, and when the system in other countries had been reduction of rents and, in many cases to get no rent whatever, in this Colony instead of that, in years of depression, they were to have a tax imposed which would be a tax on industry and economy, and would also increase the cost of production. As to an export duty perhaps he could not do better than quote from such a high authority as Mr. Fawcett, who said:—"It would be most disastrous to impose an export duty either on a raw or manufactured commodity, if the commodity could be produced on as favourable terms by other countries as by the country which imposes the export duty." They had great things to contend against here. Their commodity was produced on much better terms in other countries, and, notwithstanding that, the Government proposed to impose an export tax. With regard to the share which taxation should bear on profit he would quote from Mr. John Stuart Mill:—"The mere fact that profits have to bear their share of a heavy general taxation, tends, in the same manner as a peculiar tax, to drive capital abroad, to stimulate imprudent speculations by diminishing safe gains." He maintained that if an export tax were to be put upon them capital would be taken from the colony and employed in other countries, and not only *would* it be, but it *had* already been, and more was likely to follow. The staple product of this colony was the product they proposed to put such a tax upon and he asked them to what else could they attribute the success of this colony than coffee? What did the fall in revenue mean last year and this? Simply because they were bad times for the producer of the staple product, and there had been a fall in prices, and yet it was proposed to give them that excessive tax which would tend to lessen their production. The hon. member representing the Tamil interests, during the discussion last year said, in opposing the export duty, that:—

He was assured that native coffee growers did not employ Tamil labourers, but worked themselves on their own lands, and he did not therefore think that a general export duty might fairly be demanded of all classes of planters.

Now, he was surprised that the hon. member's knowledge of the country was not more extended. If he knew more of his constituents he would know that the greater part of the native coffee exported was produced by Tamil labourers and the great amount of rice consumed in the Central Province was consumed by Tamils and not by Sinhalese. In districts the names and position and even existence of which he did not suppose the hon. the Tamil member knew, and he should not be surprised to find the hon. the Sinhalese member in the same state of ignorance. The crops were produced by Tamils, and the native coffee they saw shipped was fully half produced by Tamils. As to the remark by the Hon. the Lieut.-Governor that there was a small quantity of native coffee shipped, he could easily explain how it was apparent that such a small quantity of native coffee was shipped, and it was only apparent. It was for this reason, that, during the last ten years, since it had been found that the better coffee is cured the better price it realizes, large numbers of natives had used machinery so that the greater part of the coffee which used to be shipped as native coffee is cured as plantation and shipped as such; and that was the reason, beyond, of course, the fact that the produce of all estates had been uncommonly short during the last few years. That was the reason why the quantity stated by the Hon. the Lieut.-Governor was so small. Then as to the mode of collection of the export duty. He would draw the attention of hon. members connected with the Customs to what difficulty there would be, and extra work, to collect that tax. But there was a much stronger reason. The tax would probably cause an extra staff to be employed, and that would cost, it was estimated, from 10 to 12 per cent, so that they were increasing the expenditure and would require extra taxation for the purpose of collection. Adam Smith said:—"Every tax ought to be so contrived as both to take out and to keep out of the pockets of the people as little as possible over and above what it brings into the public treasury of the state. A tax may either take out or keep out of the pockets of the people a great deal more than it brings into the public treasury, in the four following ways. First, the levying of it may require a number of officers, whose salaries may eat up the greater part of the produce of the tax, and whose perquisites may impose another additional tax upon the people." If that tax were agreed to it would require another staff of officers, whose salaries would, as he had said, amount to 10 or 12 per cent of the tax; also it would be a reason of constant annoyance and irritation to the merchants in Colombo who had to look after every little package shipped. And it would also delay ships calling at the port. That was an argument which should be seriously considered, because with the heavy dues required to meet the cost of the harbour works they should try not to hinder in any way the ships calling here. It was not only the tax in itself, which sounded very little, that he objected to; but he would remind hon. members that there was such a thing possible as that becoming a very heavy tax. He knew estates which had borne 13 cwt. an acre, and that meant R2 60 per acre for the benefit of cultivating well and being fortunate in having good crops. It would also increase the freights of steamers, and so everything went to prove that whichever way they looked at that tax it was to limit production and to increase the cost of production. Before, they had an instance where an export duty was imposed by Government, but that was for a special purpose when they had only a small revenue of £500,000 and wanted to undertake a work to cost £1,400,000. Sir Henry Ward was asked to put an export duty on coffee. "Speculum" wrote:

The late Sir Henry imposed these duties with extreme reluctance, foreseeing the difficulty that might arise in

effecting their abolition when the special necessity for which they were imposed should have passed away. He contended there was *no* necessity, and therefore the time would never arrive when the Government would see fit to withdraw the tax. What was the action then of the planting community? They came forward and asked to be taxed for the benefit of the whole colony. A special tax was put on the shoulders of proprietors of coffee estates for what was for the benefit of whole colony in the construction of the railway, which everybody must allow had turned out for the great benefit of the whole colony and had exceeded all expectation. The Hon. the Lieut.-Governor, in bringing forward the present bill, referred to two or three matters in the first reading. He said that

The Chamber of Commerce was anxious that all legislation should be limited to the repeal of the existing ordinance, and employers and employees should be left to themselves as in former days before the ordinance of 1873 was passed. This was so much like retrogression that I need hardly say the Government could not adopt such a step, and I don't think that if it had been adopted it would have been accepted by the Indian or home Governments, who are entitled to a voice in all matters respecting coolly emigration.

He (Mr. Dowuall) had already quoted the voice of the Indian Government as to emigration, which perfectly upset the argument that they could have anything to say against the steps the Chamber of Commerce now proposed. The Lieut.-Governor also said that the import duty would be unfair to the Tamils in the Jaffna peninsula. But the Planters' Association were in favour of Jaffna being excluded from the operation of the import duty. But they might consider why rice had to be imported to Jaffna. It was that the native found it far more profitable to grow tobacco, for the use of the employees on the coffee estates to a great extent, and so he had to buy rice, frequently sent from Batticaloa—no doubt sometimes from India, but the great portion was from Batticaloa. Every encouragement was given to the native to grow rice, but if he preferred to grow other things, the Hon. speaker failed to see why the coffee planters should be taxed to support him in means of cultivation which it was his own choice to pursue. The Hon. the Lieut.-Governor also said:—

It must be well known also that the duty on rice is not viewed with favour by people who give their views on such subjects in England.

He would like to ask whether the export duty was viewed with favour in England. He said it was not. In America there were no export duties; all the duties were import duties. He repeated that the export duty increased the cost of production, and in special cases like that they would not get an increased price for a monopoly, because they had not got the monopoly. Then the Hon. the Lieutenant-Governor that day and the hon. the Sinhalese member formerly had charged him with a certain amount of inconsistency. However, he thought he could meet that. The Hon. the Lieutenant-Governor had not fairly quoted him. If he had quoted all he (Mr. D.) had said he would have been content, but he had forgotten this part of what was said:—

If the local and home Governments could agree to an import duty on rice that would be the fairest as directly affecting all the immigrant population for whom medical aid should be provided as much as for coolies employed on coffee estates.

Therefore he was perfectly consistent now in refusing to support an export duty because he said the medical aid should be extended to all immigrant coolies. He was always ready to turn his coat when he heard opinions which overweighed his own and in doing so he was only following in the steps of the Hon. the Lieut.-Governor, who had done so to a very remarkable degree. He referred them to the Hon. the Lieut.-Governor's (then the Auditor General) speech in 1872 when he entirely concurred with the whole system, and now he came to them and said the acreage assessment he supported strongly in 1872 was unjust in its application and vexatious in its collection. He was not surprised to hear the hon. gentleman had changed his opinion and he should not be surprised if when the hon. member had from further practice attained greater perfection in the mode of performing the trick, he received his reward and when he (the Lieut.-Governor) should become president of that Council he (Mr. D.) fully expected to read that the tax of an export duty would be as strongly denounced by the hon. gentleman as the present tax which he so strongly supported in 1872. The only thing was that when the day arrived for the hon. member to expound his views on the result of the export duty he would employ still stronger language than he had done as to the old system. These were the principal arguments he had to bring forward in opposition to the export duty. As to the reasons for an import duty he would say that the first was that it would attain equality of taxation. For what reason ought equality to be the rule in all matters of taxation? For the same reason that it should be so in *all* affairs of Government. In the affairs of Government now before them there was great want of equality. He maintained that how equality would be met would be by having an import duty. The increased import of rice from 1837 to 1879 had been from 600,000 bushels to six millions. There was only one way of accounting for the increase of imports and that was that they had been necessary for the enterprise of Europeans. He would refer presently to the amount consumed by natives of the country, but he maintained that if the present import duty on rice was increased those Sinhalese whom it would touch were benefited by the presence of the Tamil cooly. Therefore he did not see why the Tamil cooly. Therefore he did not see why this preference should not be given, rather than to a tax unjust in its application and vexatious in collection. One half of the import revenue of the country was derived from rice. The hon. member who represented the Tamils had asked why did the cooly come here? He came, because he liked it and found himself far better off than in his own country. There would be nothing to export if he (the cooly) did not come here. They would probably have to get an import duty upon all other food. There was no doubt, about it that if it could be managed the recommendations of the Chamber of Commerce and Planters' Association should be carried out in full, and those were that the cost of extra medical aid should be given, from the general revenue. They were told every day that the revenue was very small, and he said that by increasing it by raising the export tax on rice they would be providing for the extra medical aid said to be necessary for the immigrant coolies. If extra revenue had to be raised it should be raised equally from all to be benefited, and also from those who were benefited by the presence of the European employer and his employees which would be much larger than permitting class legislation. In a tax there should be no distinctions of persons. He would quote again from that high authority, Stuart Mill:—

As a government ought to make no distinction of persons or classes in the strength of their claims on it, whatever sacrifices it requires from them should be made to bear as nearly as possible with the same pressure upon all; which, it must be observed, is the mode by which least sacrifice is occasioned on the whole. If any one bears less than his fair share of the burthen, some other person must suffer more than his share, and the alleviation to the one is not, on the average, so great a good to him, as the increased pressure upon the other is an evil. Equality of taxation, therefore, as a maxim of politics, means equality of sacrifice. It means apportioning the contribution of each person towards the expenses of Government, so that he shall feel neither more nor less inconvenience from his share of the payment than every other person experiences from his.

Now if those great principles were followed, as they might well be, by the Government, they would never have a unanimous protest from the Chamber of Com-

merce and Planters' Association against a tax so objectionable. The Sinhalese member stated the other day that 90 per cent of the Sinhalese used imported rice. That was surely a very wild and ill-considered statement. For it was estimated that there were 700,000 Tamils in Ceylon, of these 320,000 immigrants, 160,000 of whom were employed on estates. In 1879, 6,000,000 bushels of rice were imported and it was stated that one-third was consumed by estate labourers: it was to be presumed that the other 160,000 immigrants consumed another third, which left only 1,984,744 bushels for 1,620,000 Sinhalese, being 90 per cent of the Sinhalese population, the remaining 380,000 Tamils, and 200,000 Moors, Malays and other Asiatics, in all 2,200,000 people—leaving *no* imported rice for the European and Burgher communities and others. He would simply ask anybody to look at these figures. He fancied that the hon. member at the time must have been suffering from a mental hallucination. (Laughter.) It would be very interesting to follow the Government figures as to the amount of home-grown rice now and formerly, but it was clear the Government figures could not be relied on, for he found a return stating that in 1863 4,500,000 bushels were produced and in 1873 only 2,400,000! Clearly, this could not be correct in the face of the large amount of money expended on irrigation works, etc. He would ask from what source came the money for these irrigation works, reclamation of an abandoned province, asthetic buildings in the shape of Lunatic Asylums, Kachcheries, with cracked walls, Jails, etc.? From the planting enterprise and the capital brought by the European into the island. There were other reasons why an import duty was preferable to an export duty. In the first place the share of collection of an Export duty was no less than 10 per cent of the tax for collection. The percentage of the tax on the value of rice imported had been reduced from 20 per cent in 1840 to 8 per cent in 1880. It was also an incentive to the native of the country to cultivate more rice, because of course it was as plain as possible that if the import duty were increased in the same proportion it increased the value of home-grown rice. It would be an incentive to the Sinhalese to cultivate his land better. He would ask from whom did they hear objections to that import duty? Did they come to them,

> "Chanted from an ill-used race of men who cleave the soil,
> Sow the seed, and reap the harvest with enduring toil,
> * * * *
> Resting their weary limbs at last on beds of mud.
> Certainly not, but rather from the representatives of:
> *An apathetic race of men who rise not the soil,*
> *Sow not the seed, reap not the harvest with enduring toil,*
> *But snatch their lazy limbs* [illegible] *all day on beds of mud.*

The Hon. H. Bois, in seconding the motion, remarked that although he concurred to some extent with the remarks of the hon. the planting member, there were some sentences he could not quite agree with. In fact, in the course of his (Mr. B.'s) remarks he might have to contravert them. For instance, Mr. Dowsett had said he had objected to export duties because they would be so heavy. He (Mr. B.) objected to them because they were so small. However, if their arguments were a little different on minor points, they led up to the same result. His objection to the bill was because he concurred at the time in the latest expression of the opinion of the Chamber of Commerce and he had since seen no reason to alter that opinion. The views of the Chamber of Commerce were embodied in the report of the sub-committee dated 5th March. That report was adopted at a general meeting and in all its essential features it had been adopted by the various planting associations throughout the country, in Uva, Dimbula, Dolosbage and in Kandy. The salient points of that report were first that no special legislation was necessary at all except in so far as it was required to repeal the existing ordinance, but if it were decided by the Government that continued legislation was necessary, then that it should proceed on the basis of an extension of the Civil Medical Department, and that the funds necessary to meet the cost, if a special fund were necessary, should be levied by an import duty on rice. As regarded the title of the bill, he should like to correct a slight inaccuracy which the Hon. the Lieut.-Governor fell into in moving the second reading of the bill. He had stated that the amended ordinance, printed and circulated to the members, emanated from the Planters' Association and Chamber of Commerce. Now the Chamber of Commerce had not had the matter before them. The latest expression of their views was in March 1880. In fact he could not concur with the Planters' Association, as to the title. He concurred with them inasmuch as it indicated that no special legislation was necessary, but as a title to a bill it was not possible to adopt it. The very *raison d'être* of an ordinance was that some special legislation was necessary, but no special enactment was required to enable the Government to extend the Civil Medical Aid Department. His objections to the title were twofold. It seemed somewhat illegical to pass an ordinance to provide for the medical wants of the *coffee* districts and then to proceed to tax tea, cinchona, and cacao. He thought, further, it attached an unfair stigma to the coffee planter because it implied that special legislation was necessary to protect the coffee estates, while in other districts it was not necessary. He therefore quite concurred in the alternative proposed by the hon. the planting member that the word "coffee" should be altered to "planting." The hon. the Lieut.-Governor had stated that the principle of the bill was involved in the title, and in the 4th and also in the 15th clause. He could not follow the statement as to the 15th clause, and he should therefore limit his remarks to the 4th clause, which was the axis of the ordinance. All the rest was very easy if they could agree to that clause. Several methods for meeting the cost of medical aid had been proposed. One was that it should be paid out of general revenue but he was afraid that was practically excluded from consideration inasmuch as it had been resolved by Government that some special tax must be levied. A capitation tax had been mentioned, which, if they once admitted that the ordinance was simply to provide aid to coffee estate labourers, was the fairest way of levying it, but it seemed to him that it was practically impossible to collect it. All the disadvantages of collecting the acreage assessment would also attend the collection of the capitation tax, while there would in addition be the question as to the returns, for the returns had to be given by superintendents all over the island there would probably be some inaccuracy. They were therefore reduced to two alternatives, one for an export and the other for an import duty. He supposed that theoritical objections might be urged against both but they must bear in mind that in Ceylon they were in this peculiar position Export duties had been abolished. At the present moment the only duty bearing a semblance to an export duty was that upon plumbago, which was nothing more than a mining royalty collected for convenience sake at the Customs house. It appeared to him, therefore, that looking to the necessity that would arise for creating the export tax, and looking to the fact that the import duty on rice already existed and that a small increase would atsoluesly cost nothing to collect, if it could be shown that the incidence of the import duty was not unfair it appeared to him that the onus of proving that the export duty was the most advisable, lay upon those who opposed the import duty. One objection was that the export duty was so small. He could not see the use of resuscitating an export duty in this colony for collecting a tax which would amount to two fifths

per cent only, taking the value of coffee at R50 per cwt. If they deducted the cost of collection he thought they would find it a wasteful method of raising revenue. The incidence of an import duty on rice appeared to him to fall precisely upon those benefiting by the ordinance. It had been estimated that 1,500,000 people, directly or indirectly, obtained their livelihood from the planting interests. Taking the estimate at half of that, even, and then multiplying it by the number of bushels used by each man per year they arrived at figures which exceeded the total quantity of rice imported. He contended, therefore, that the import duty on rice would be in its first incidence paid by those directly or indirectly connected with the planting interests. But he went further than that, and said, that in its ultimate incidence the whole of the tax would be paid by the growers of produce. And in making that statement he was borne out by no less an authority than John Stuart Mill, who stated that a tax upon the necessaries of life eventually fell upon the employers of the laborers who consumed those necessaries. He thought the history of the island showed that the tax on rice did fall on the growers of produce, because it had been shown over and over again that when the price of rice rose planters had been obliged to issue it at a fixed rate and in point of fact this was done to a considerable extent at the present moment. In any remarks he might make he was arguing against a foregone conclusion, and he did not propose to extend them, as he should otherwise have done, but to sum up he wished to place on record as the representative of the mercantile community what he thought the fairest and most equitable way of meeting the cost of medical aid. To charge it upon general revenue was in his opinion the fairest way of levying cost, but if that could not be accepted by the Government or Council then he considered an increase of the existing import duty on rice the next fairest and most convenient tax, after that he thought an export duty preferable to either a capitation tax or an acreage assessment. As regarded the acreage assessment he thought it was like flogging a dead horse, to argue against it, because everyone was agreed that it was unfair in its incidence, vexatious in its collection, and altogether unsatisfactory in its results.

The Hon. the PRINCIPAL COLLECTOR OF CUSTOMS enquired whether the Government would have any objection to consider an alternative scheme for levying the sum that it was said was required for the purposes of the measure under consideration. This sum was said to be only R150,000, and, as it was deemed impossible to meet this out of the general revenue, it seemed to him that it might be obtained by making an additional levy as freight on all rice carried by railway and unloaded at certain stations, say Polgahawela, Kandy, Gampola, and Nawalapitiya. This would be easy of collection and obviate the trouble and delay inseparable from a system of export duties. At the same time he wished to correct an impression under which the two last speakers appeared to labour as to the expense to Government of such a system of export duty, as he did not think it would involve a larger expenditure than R1,000 per annum, even if indeed so much.

The Hon. the AUDITOR-GENERAL said: Personally, sir, I agree to a very great extent with the hon. member, the representative of the planting community as regards the economic objections to an export duty on the produce of the country, but at the same time I consider that those objections apply with greater force to an import duty on the food of the people—and in the case in point it can, I think, hardly be said that an export duty would increase the cost of production, when it is remembered that the export duty is proposed solely in the place of a tax at present paid by those upon whom the export tax would fall. Taking the value of rice at the rate fixed for use by the Custom House, R3.25 per bushel, and the present rate of duty, viz., 29 cents, it will be found that the duty is very nearly 9 per cent of the cost of the rice, and unless I am in error the percentage of duty levied on home-grown rice is somewhat the same. If I am correct in this, it is plain that the import duty cannot be looked upon as a protective duty on home cultivation. And, notwithstanding the opinion expressed by the hon. member the representative of the planting community, I would state that it has been shown by experience and by the evidence of headmen, that an import duty does not encourage home cultivation. Few would I think attempt to defend an import duty on rice, *the* food of the people, on its merits. The advisability of abolishing the tax altogether has often been strongly urged on Government, and it has only been retained because the state of the finances of the Island rendered it impossible to do without the revenue derived therefrom. In 1832 a commission recommended the abolition of the tax, but it was felt that this could not then be done with safety to the revenue of the Island. In 1841 a committee of the Legislative Council was appointed to take evidence as to the expediency of abolishing the tax on rice, and, it was clearly shown by the evidence of headmen and cultivators that as a protective duty the tax was worse than useless—and that the rural population would be gainers by the change, and the Moormen merchants engaged in the rice trade admitted that the abolition of the duty would lead not only to an increase in the importation but to a reduction in the retail price. The evidence, however, further went to show, that whilst the duty only raised the price of rice to a small and ascertained extent—the real cause of the excessive cost of rice in the interior was the difficulty of transport. The committee therefore came to the conclusion that however desirable it might be to get rid of the import duty on rice—the course best calculated to afford the most immediate and extensive relief was to provide new roads and thus increase the means and reduce the cost of transport—and feeling that the money for such a purpose would not be forthcoming if so important a resource as the import duty on rice were abolished, they resolved to report as follows:—

That it would be impolitic at present to make any reduction of the duty on grain; and the following are the principal reasons which have led the Committee to form this opinion.

1. Because the crippled state of the colonial finances forbids any reduction of duty at present.

2. Because owing to the defective state of the roads, the expense of carriage into the interior is a much heavier item on the cost of rice than the import duty, and therefore, the Committee are of opinion that the population would be benefitted to a greater extent if the money raised by the rice duty were laid out in the improvement of the means of communication, than by the abolition of the tax.

3. Because even under the existing duty, the import of grain has increased of late years, and during the same time the price has kept gradually falling.

This last remark is not applicable now—the price of rice having increased considerably of late years. The attention of the Government having thus been turned to the necessity for an improvement in the means of transport, steps were at once taken to construct new and improve old roads, and I need hardly refer to the result, which has placed Ceylon far in advance of most colonies in the matter of good roads. So much having be done to remove the pressure from one class of the community, it is a question whether the time has not come to consider the pressure on the other class of the consumers of rice who are not directly connected with the coffee, tea, and cinchona industries—and whether, after having to a very great extent provided for one class in the way of cheapening carriage into the interior, it would not now be equitable to consider the advisability of reducing the burden on the other, a burden which, although of

"planting districts" would embrace that better than "coffee," which has a restricted meaning. Of course when those products were first introduced they were produced in connection with coffee estates, but there are at the present time a great many estates not in the coffee districts, and growing nothing but tea, cacao, &c. It would look curious to have a tax only for coffee estates, when so many coolies are employed on other estates. The Hon. the Lieut.-Governor also referred to clause 17 as one affecting the principle of the bill, and that was the construction of new hospitals. The planting member I have no doubt will do his best about the formation of districts, but it is at the present moment possible to provide for the medical wants of existing districts in the hospitals now built; therefore, if this code is to be worked under the medical department it is only reasonable that new hospitals should be paid for out of the general revenue if that department desired the erection of a new one. An enlargement of hospitals in consequence of the enlargement of a district might come under the provisions of the ordinance. As also a new hospital in an entirely new district. We now come to the way in which the funds are to be obtained for meeting the expenses of working this ordinance. In many of the remarks made by my colleagues the planting and mercantile members I am thoroughly at one with them. There can be very little doubt that the planting enterprise—I speak advisedly, because the new products are already beginning to make a little show—is the foundation stone of our colony's revenue. There may be many other things that add to it, but planting being the chief source, the medical care of the coolies I think would be charged much more fairly if put down to the general revenue. We are then met by the stern fact that the general revenue of this year cannot meet such a charge, and Government proposes the alternative of an export tax, while my colleague proposed an import tax. I can only say if the matter had given as much perplexity to other members as to myself we shall all be glad to have it before us as little as possible. It is one of those puzzles which cannot easily be solved. I agree that the import duty on rice would be imperceptible and would be very easy of collection. I think as regards its imperceptibility as much could be said of the export duty on coffee. As to collection, the Principal Collector of Customs has said that R1,000 would be sufficient to re-imburse the cost of collecting the export duty. I think then the question becomes which is the more honest tax. If I could be thoroughly convinced that the import duty on rice fell fairly on the planting interest I should vote for it, but as I am unable to agree with that it is far better to accept the export duty. As I have said once before in Council, we are not always going to tell the same tale of want of funds, and as I think both taxes are thoroughly objectionable I will suggest that if we have to impose this very obnoxious tax it should be at any rate for a limited duration—say two years—at the end of which time we may see another way of fixing the tax. No doubt it is a great step in advance of the present system, which causes the owner of a poor acre of land as well as the owner of a rich acre of land to pay alike. I cannot do better than conclude my remarks with a very short sentence used by the hon. the planting member last session in his speech on the subject. He said:—

With an export duty those best able to pay would have to pay the most, and those who could ill afford it would have less to pay.

The Hon. P. Rama Nathan said: The subject in hand is well nigh exhausted, and I have very little to add besides saying that I cannot agree to an import duty on rice. We have done away with the oppressive system of *renting* food taxes, and now long for the abolition of the food-taxes themselves. The present burden of the immigrant labourer is great. He pays as much as one-twelfth of his income to the Government for the blessing he enjoys. It is as if the Hon. Colonial Secretary paid R2,000 a year out of his salary as direct taxation. Economists in Europe have long since condemned food-taxes, and so early as 1845, when Mr. Gladstone was Under-Secretary for the colonies, he drew up a dispatch in which, with the approval of Lord Grey, he pointed out the injustice of taxing food, and called upon the then Government of Ceylon to consider the question why the present system of taxation should not be revised. Thereupon Sir Emerson Tennent reported on "The Colonial Revenues of Ceylon" and recommended the abolition of the food taxes. Nearly forty years have since elapsed, and it is now proposed to tax still further the staple food of the country! The great principle of taxation is that equal sacrifices should be made by all classes of the community towards the support of Government. As I have already shewn, rice consumers are unequally taxed and ought not to be taxed any more. If an able financier were given an opportunity to remodel our system of taxation, the planters would very probably, as large land owners and large income owners, find themselves under the necessity of contributing a sum far in excess of the requirements of that contemplated by the medical aid bill. I do not think, therefore, the planters ought to grumble against an export duty. As was pointed out by my hon'ble friend on the right (Mr. Bois), the duty was only two-fifths per cent on each cwt. Last session, when the old bill was before the Council, I supported an export duty. I support it now. My hon'ble friend, the member representing the planting interests was wrong in saying that I spoke against the export duty. Hon'ble members can peruse my speech as reported. In the course of my remarks I said that I was assured that native coffee growers, meaning Sinhalese growers of native coffee, did not employ Tamil labourers. From this, the hon. the planting member jumped to a wrong conclusion. I never said that the Tamils did not grow native coffee or that they did not ship native coffee. I was speaking at that time only of Sinhalese coffee growers. The hon. the planting member, misunderstanding me, charged me with ignorance in sweeping terms. He coupled in that charge the name of my hon. friend who represents the Sinhalese. I have shewn the hon. the planting member his error, but, even if he were not in error, ought I to be ashamed of the general charge of ignorance? I am not, I do not pretend to be wise: no hon'ble member could well say he is wise. Ignorant as we are, it is yet permitted to me to see and deplore the still greater ignorance, aye, the amazing impudence, of those who jump at hasty conclusions and make sweeping charges.

The Hon. J. Van Langenberg said it was much to be regretted that such an important question should not be calmly discussed without the temper shown. In discussing that very great and important question and the principles which were involved they should not lose sight of the fact that there was then in operation Ordinance No. 14 of 1872, and the present ordinance was one brought forward for the purpose of repealing that ordinance, but he really did not see what the result of that discussion would be. His hon. friend (Mr. D.) should have proposed some definite motion in regard to creating funds for the purpose of working the machinery of the medical aid scheme. His hon. friends did not object to the principle of the bill. They did not say the bill should not be passed, but they objected only to certain principles without making a definite motion upon which the sense of the Council should be obtained. So far as he saw it seemed that its directions to the sub-committee were that they should consider the principles of the bill. Now he considered that that was a proceeding not quite regular, and if the sense of the Council was to be obtained upon any particular principle there should be a motion formulated in such a manner so that such sense might be obtained upon that principle. Suppos-

ing that motion were carried in the Council they would simply be doing afterwards the same work that they were doing that day. In fact the whole Council would be asked to consider the very question which the Council had already considered that day. But, however, it was well that they should place on record their views upon that bill. In 1872, when the ordinance was passed after considerable opposition on the part of the planters, the then planting member objected to the principle of that bill, and objected to it very strongly upon the ground that if the ordinance were passed he felt that the time would come upon them when the management of the medical aid would fall into the hands of Government. That was the ground of opposition put forward by the planters to the bill of 1872. There was a necessity no doubt for finding some machinery by which the duty cast upon the employer of labour by the ordinance of 1865 should be enforced, that ordinance of 1865 clearly imposed upon the employer of labour the duty of providing food, lodging, medicines, etc. for the employed. Mr. Leake, who then represented the planting interest, strongly deprecated the interference of Government. He (Mr. L.) asserted that the planters wanted the whole management of the Medical Aid Ordinance in their hands, and Mr. Leake and Mr. Rose strongly opposed the ordinance on that ground. But that opinion had undergone a considerable change since then, and they now had an expression of opinion from the planters that the best mode of dealing with the question was that the Government should take the matter into their own hands. That ground upon which the passing of the ordinance of 1872 was objected to, was now put forward in favour of the Government. He should have been very glad to have taken the same views which his hon. friends the planting and mercantile members had done. He had listened to all that they had to say upon this question, and he must say that he felt more impressed with the strong arguments which were put before the Council last session by the hon. the planting member than by all that he had to say that day. He was convinced last year by what he heard Mr. Downall say, and no language could have been stronger than the language he then employed, in support of an export duty as the best way of creating funds for the machinery by which the ordinance was to be carried out. There were two objections urged to the bill founded on principle. The first—he could hardly call it a principle—objection was to the title of the bill. The title of a bill could be determined after the details of the bill were agreed on. Whether the ordinance should be for the medical wants of the *coffee* districts or for the *planting* districts would depend upon the views which the sub-committee took of the question. The real question and vital principle which was involved in the bill was that which created funds by which the machinery was to be carried out. Was it to be an import duty or an export duty? His own feeling was that it should be an export duty. It was an opinion which he expressed in that Council when the discussion was brought on last year, and it was then not only the opinion of his hon friend the planting member, but also the opinion of the Planters' Association then. That was a question which had occupied the attention of the public for a considerable time. The Government were as anxious as the planters themselves that an ordinance should be passed which should be fair, just, and equitable. Every opportunity was given to those interested in the question to state their views, and, unlike a great many other matters, there had been no hasty legislation and the subject had been fully ventilated. The bill which was before the Council last year was upon a representation then made and, upon the faith of some sketch of an ordinance being submitted to the Government, withdrawn. The Government had since framed that ordinance, on the lines no doubt of what transpired at the discussion of 1879. The Government brought forward that measure, based upon what transpired last year and there was opposition to it. The opposition was, so far as he could see, groundless. The planters wished to throw the liability, which properly fell on them, upon the cooly. The question then to be considered was, was that an ordinance for the medical aid of the cooly or was it for the medical aid of the planters? Was it brought forward because the planters required to be looked after or was it because the cooly required to be looked after? The interference of the Government was rendered necessary in the interests of the cooly who came here for the purpose of acquiring some competency. If he came here from another country he was entitled to all the protection which could be afforded him. The law had recognised his right to have relief in cases of illness from his employer; and if the contention of the planters be permitted now the effect would be that the cooly who really used the rice would have to bear the burden instead of the purchaser of coffee, tea, etc. Now from that point of view he thought it would be at once seen that the import duty would not be the right mode of creating funds for the purposes of that ordinance. A great deal had been said about the planting enterprise and that was not the first time they had had the planting enterprise brought forward as doing a great many things. It must be granted on all hands that the planting enterprise had done a great deal. But whilst all that was conceded, he thought it should not be forgotten that the cooly contributed a very large share to that enterprise and to its result. They knew of colonies which were fertile which if they could be brought under cultivation might yield very fair returns, but the great difficulty had been that of procuring labour. It was the labourers who contributed as much to the planter as the capital of the planter itself. (Hear, hear from Mr. Rama Nathan). It was an argument which should not be frequently paraded before them, because it was granted that the planters had really done a great deal in developing the resources of this Colony. It did not affect that particular question. His hon. friend had also relied upon the import duty as a duty which would be imperceptible and would fall lightly upon all. He sought to justify it as a duty which would effect an equality of taxation: that was a very right principle, but it was a principle which was not applicable to the particular circumstances of that case. Those were rules and examples of political economy which should be applied to the particular circumstances of each case. It could not be justified by any principle that a tax should be imposed upon any section or any part of the community which would not in the least degree be affected by the benefits sought to be conferred. The object of that ordinance was to create funds for a particular purpose. It was admitted that there was a very large number of people—about one-third—who had no interest in the ordinance, but they would be affected by it if the contention of the planters were permitted. If upon no other ground than that he thought they should object to such a duty. There was a great deal more, no doubt, that might be said as to the advantages in favour of that tax, but perhaps the chief thing recommended in that import duty would be its simplicity in collecting the tax, but mere simplicity in itself would not be sufficient: they must consider the manifest injustice which that tax would cause, and under all the circumstances of the case which was the fairest and most proper. Those were his views upon the question and he agreed with his hon. friends who thought that an export duty was by far the best to be levied.

The Hon. the Lieut.-Governor said: Sir,—I am glad I have been relieved, by hon. members who have spoken, of the disagreeable duty of detaining

I hope that early next year we shall see the road put in good order.

CARGO BOAT FOR HAMBANTOTA.

The Hon. R. B. DOWNALL moved:

That it is desirable Government should take the necessary steps for meeting the requirements of the Port of Hambantota by placing a good cargo boat there.

That motion appeared to be on a very small matter and required a very small sum of money, but in point of fact it was a very important matter. Although the expenditure was small, it became a question whether the port of Hambantota should be made as useful as it might be, being one very much frequented now in consequence of traffic being opened by the Wellawaya road. The objection to voting the money had been that it was too late to be included in the Supply Bill for 1881. However, he hoped that would not interfere with the sum being voted somehow. He found that the complaint made by the commander of the "Serendib" was dated 5th October, and it was forwarded to the Government Agent in a letter from the Master Attendant on 11th October. The Government Agent then forwarded it to the Assistant Agent and a reply was sent on the 20th Oct. So he could not see where any delay had taken place. The Supply Bill had been brought forward unusually early in the Session, for which the Government Agent was in no way to blame; he trusted such an excuse would not be held sufficient to refuse the necessary vote. The port of Hambantota had strong claims, especially when it was remembered that the present boats had paid back the vote made for their purchase and also a profit of £500 to the general revenue. The Assistant Agent recommended a 50 ton boat which could be kept loaded and sent off to the steamer when it arrived. Great inconvenience was felt when the steamer was delayed there, and sometimes the steamer had to pass without calling. One proprietor who made use of the port showed that in a 6 months account he had to pay his agent no less than 6 per cent for charges for attention to goods through the steamer not being able to call, the cargo having to be put into small boats and not being able to be taken on board. However, he need hardly go further in showing that the present arrangements were inadequate, as His Excellency was well aware that the importance of Hambantota was daily increasing, and with too heavy expenditure on the road to Wellawaya which would enable more traffic to go over that road to the port it was desirable to facilitate the port arrangements. Last year the amount recovered for landing and shipping shipping charges was R4,744. The Government Agent wrote very strongly to the Master Attendant at Galle, who confirmed the recommendation. He (Mr. D.) trusted that notwithstanding that the application came rather late the importance of the question might be sufficient to gain His Excellency's sanction to the vote.

The Hon. the MAJOR GENERAL begged to second the motion, as from personal knowledge and experience when he visited Hambantota he could speak of the unseaworthiness of the boats there. A great deal of inconvenience was caused by detention at the port.

The Hon. the LIEUT. GOVERNOR: When I answered the hon. member on a previous occasion on this point we were under the impression that the boat required would cost a larger sum of money than we could put into the supplementary supply bill for the present year. Since then, however, we have received a report saying that a boat suitable for Hambantota can be procured for £1,200. As that is not a very large sum, I propose in the course of this afternoon to move that that sum be included in the supplementary supply bill for the current year, which will of course meet the object of the motion.

The Hon. R. B. DOWNALL thanked the Government for allowing the vote.

SUPREME COURT IMPROVEMENTS.

The Hon. the QUEEN'S ADVOCATE moved the second reading of the following Bill:

AN ORDINANCE to provide for the further appropriation of certain unclaimed balances from the funds of the Loan Board.

The Hon. the TREASURER seconded.

The Hon. J. VAN LANGENBERG remarked that His Excellency in his speech in opening the present session said that a larger sum would be appropriated than that which the bill provided for the construction of the buildings, and he (Mr. Van Langenberg) understood that the plans now submitted did not represent, and fell short of the design which was first agreed to by His Excellency the Chief Justice and the Queen's Advocate. He was informed that the buildings, as originally designed, permitted of a part of them being temporarily used on hire by members of the profession and until such time as the Government would have need of them for public purposes. It would be extremely desirable that the first scheme should be adopted in its entirety. He did not know whether there was any particular reason why the original design was departed from. The buildings he spoke of would be an improvement to the present block and there could be no objection, he understood, as far as funds were concerned. He believed the lapsed Loan Board balances available were sufficient for the extra expenditure, which would be very small. He submitted for the consideration of the Government the expediency of adhering to the original estimate.

The Hon. the LIEUT.-GOVERNOR: There are two difficulties as to the original design. First of all, as the Council have already been informed in the statement laid before them, the balance of lapsed Loan Board funds is only R72,000, and of that we must keep a certain balance in hand to meet claims which might arise from time to time. The estimate for the larger scheme was R80,000. Therefore it would have been appropriating more money than we have actually ready to spend. Secondly, the larger design included proposed chambers to be hired out to barristers as private chambers, and it was a question whether the building of chambers for hire is a legitimate expenditure of money for the purpose of administration of justice. I believe my hon. and learned friend on the right (the Q. A.) does not consider it would be legitimately spent for such a purpose. Therefore we have had to strike it out. No doubt advocates are connected with justice, but I am not sure that hiring chambers to them is for the purpose of administration of justice. The real point of the matter is that the estimate was in excess of the money we had to spend; and the money appropriated to-day is the very outside we can appropriate.

The Hon. H. ELIS enquired whether the money, if applied to the purpose mentioned, would not be applied for a purpose "cognate" with the administration of justice.

The Hon. the LIEUT.-GOVERNOR questioned if buildings let for hire were quite cognate to the administration of justice, that question need not arise, however, because they had not sufficient money in hand to erect the buildings.

The Hon. J. VAN LANGENBERG agreed that the money difficulty was the principal one, but with regard to the other objection if it existed, he had been informed that the Government would, at some future time require the rooms which were proposed to be let to the advocates, and it would therefore be injudicious to curtail the more extended scheme at first contemplated.

The Hon. P. RAMA NATHAN remarked that some few months ago, in the appeal court, the plans were passed round the table, and he found that the rooms occupied by the present Queen's Advocate would be hereafter occupied by one of the Criminal Judges, and he believed that there was some understanding that some rooms would be required for the Deputy Queen's Advocate. Now as the matter stood the Queen's Advocate would have rooms upstairs and the Deputy Queen's Advocate would be separate from the Queen's Advocate, who, if he wished to have communication with the Deputy Queen's Advocate, would have to go downstairs, and therefore be caused inconvenience. Could not arrangements be made so that the Queen's Advocate and Deputy Queen's Advocate could be on the same floor nearly together? He also wished to know whether provision had been made for clerks, and whether the rooms intended for them had been taken out of the plan. It was no use to spend money on new buildings, without consulting the convenience of those who had to use them.

The Hon. the LIEUT.-GOVERNOR: I think there is ample room for the Q. A. and D. Q. A. The accommodation is very good and ample and the position of those using it is merely a matter of arrangement.

The Hon. the QUEEN'S ADVOCATE said he should have been glad if the original plans could have been carried out, but the Hon. the Lieut.-Governor had explained that in consequence of want of money it had been necessary to change them. As far as the plans were concerned, he was willing to take whatever was accorded to him, but would not like to sacrifice the interests of any subordinate to his (the Q. A.'s) own advantage. He had no doubt he should be very well provided for in the rooms, but he would rather have the whole of the department on one floor. He took it that the object of the alteration of the offices was to bring the department more directly under the control of the head, and he thought that now some difficulty would be experienced in doing so, in consequence of a part of the department being downstairs and the rest upstairs. The D. Q. A. would be on the ground floor. If the original plan had been carried out he (the D. Q. A.) would have been at one end of the room and the speaker at the other, with the clerks between them.

His EXCELLENCY apprehended that the rooms could be altered in any way to suit the department.

The Hon. the QUEEN'S ADVOCATE pointed out that effective alterations were impossible. The upstair rooms were so arranged that it would be impossible for the D. Q. A. to be on the same floor as himself.

The Hon. J. VAN LANGENBERG: The alterations by which the office to be occupied by the Queen's Advocate would be in a different place from that to be allotted to his Deputy might interfere with the efficient working of the department under the centralisation system.

The Hon. the LIEUT.-GOVERNOR: It was a question of money. Part of my department is downstairs, and so is part of the Treasurer's. In the kachcheri the Government Agent is upstairs and it is so in almost every kachcheri in the provinces: in the Central Province at Kandy for instance.

The second reading was then agreed to, and the bill ordered to be referred to the law officers of the Crown.

VILLAGE COMMUNITIES ORDINANCE.

The Hon. the LIEUTENANT-GOVERNOR brought up the report of the law officers and moved the third reading of the following Bill:—

An Ordinance to amend 'The Village Communities Ordinance, 1871.'

The Hon. the QUEEN'S ADVOCATE seconded, and the bill was passed.

FURTHER TOLLS.

The Hon. the LIEUTENANT-GOVERNOR moved the second reading of the following Bill:—

An ordinance to establish Further Tolls and to discontinue certain Tolls.

The Council then went into committee on the bill and some new clauses were inserted: first to provide for the establishment of a toll in the Central Province at or near the Kudaoya Gap to protect the Dikoya planters from the traffic to Dimbula going over their road without a share of the upkeep being borne by such traffic. Secondly, to place two tolls on the Nawalapitiya and N. Eliya road, one between the 17th and 19th milepost from Nawalapitiya, and the other between the 28th and 30th milepost from Nawalapitiya.

The Hon. R. B. DOWNALL raised an objection to the vague words, "at or near" the Kudaoya Gap, which were not sufficiently explicit.

The Hon. the LIEUT.-GOVERNOR said it was not decided exactly where the toll would be fixed, but it had been recently decided in the Supreme Court that "at or near" would mean some spot within half a mile of the place indicated.

To this the hon. member expressed his approval.

The bill was ordered to be reported as amended and referred to the law officers of the Crown.

SUPPLEMENTARY SUPPLY BILL.

The Hon. the LIEUT.-GOVERNOR brought up the following report of the sub-committee upon the bill intituled

An Ordinance for making provision for the Supplementary Contingent Charges for the year 1880.

No. 1 ESTABLISHMENTS.

Provincial Agencies

NORTHERN PROVINCE.

Personal Allowance to Sarvekaran, first Interpreter Mudaliyar, for 1880.—R360. The circumstances of Sarvekaran Mudaliyar's case are quite exceptional and justify this allowance, which however should be personal to him and not be construed as a precedent.

HARBOUR DEPARTMENT.

European Pilots.—The appointment of these pilots was due to a recommendation of the Chamber of Commerce with a view to meet the growing requirements of the port of Colombo.

BOTANIC GARDEN.

Salary of Gardener, &c., R339·50.—This vote may be omitted and charged to the savings on the undrawn salary of Assistant Director.

TEMPORARY DISTRICT JUDGE.

This office has been discontinued, but until a new fixed appointment can be provided for Mr. G. W. Templer, half the salary has to be retained on the estimates.

COURTS OF REQUESTS AND POLICE COURTS, BALANGODA.

Salaries and Contingencies, R1,160.—Increase of business civil and criminal, in the Balangoda district has rendered necessary the establishment of this Court.

REGISTRAR-GENERAL, CENSUS.

Salaries and Contingencies, R1,479.—This vote and that of 1,938 rupees for house rent and assessment tax due on the Census offices (p. 11) were incurred; the sub-committee understands, mainly for working up certain of the statistics of the Census of 1871, which were still incomplete, giving also an opportunity for training a staff to be of use in the forthcoming Census of 1881.

POLICE.

Cart registration, R4,300.—This vote covers cart registration between Badulla and Kattaputa.

SERVICES, EXCLUSIVE OF ESTABLISHMENTS.

No. 3.—REVENUE SERVICES.

Salt, Timber, &c.—The sub-committee would recommend that in future the votes in connection with these services should be taken, not under the heading of Agencies, but under their respective heads. The cost of each office, but under their respective heads. The cost of each service will then be more readily ascertained, and the necessity for a supplemental vote obviated.

PEARL FISHERY.

The total expenditure in respect of the fishery amounted to 85,000 rupees, whereof 50,000 rupees formed the original vote. The balance (35,000 rupees) has now to be voted. The receipts aggregated 190,000 rupees.

LAW EXPENSES, TREASURER.

To Messrs Wilson, Bristowe and Carpmael £6,685·10 These are "clients'" costs in an appeal to the Privy Council, in which Government were successful, and have been paid by the Government to their London solicitors. A portion of the land recovered in this suit has since realized 40,000 rupees.

No. 4.—ADMINISTRATION OF JUSTICE.

Fiscal Western Prov.—£11,000. This and the five following votes, aggregating 30,513 rupees, are consequent upon the protracted sessions of the Supreme Court.

A vote of 2,573 rupees is required to meet the expenses of the arrest and trial of Brenner who escaped from Ceylon to England, was brought back, and tried and convicted by the Supreme Court.

No. 7.—EDUCATION.

Grants-in-aid, R45,000.—This is a very large excess vote, as it is nearly one-third of the total vote granted for

1880, but the sub-committee consider that it ought to be passed in order to enable the Director of Public Instruction to keep faith with the managers of the schools which had been submitted to examination, and thus become entitled to their grants.

No. 8.—HOSPITALS AND SANITATION.

A large saving has been effected under this head.

No. 11.—TRANSPORT.

Director Botanic Gardens, R3,000.—This vote is mainly to provide for the traveling expenses of the Cryptogamist.

No. 14.—ROADS, STREETS, BRIDGES, AND CANALS.

New Bridges; Elephant Pass Causeway, —R10,000. This vote is, the Committee are informed, taken in order to allow of the completion of the bridge and causeway at Elephant Pass in the year 1881, thus being the final, though a very important step in the great work commenced seven years ago, of forming and bridging the North road between Kandy and Jaffna.

No. 15.—MISCELLANEOUS SERVICES, TREASURER.

Amount appropriated by Convict Weeracoddy &c., R6,301.—This vote does not include the moneys embezzled by Weeracoddy on accounts falsified. The Superintendent of the Colombo Convict Establishment has been made personally liable for the defalcations so caused. It is for the salaries of the Prison Officers, for payment of which a cheque was given to Weeracoddy to get cashed in the ordinary course of business. The proceeds of the cheque were made away with by Weeracoddy, and the salaries have thus to be paid a second time.

CROWN AGENTS.

The additional vote required under this head is to meet charges for passage money of staff from England to Ceylon, and for such miscellaneous items as cost of postage stamps, &c., the total expenditure upon which has been in excess of the estimate.

No. 20.—REFUND OF DUTIES.

Treasurer, R8,000.—This is a matter of account only, being a refund of moneys collected by the Treasury on account of the various Local Boards, and which, being so collected, have first to be credited to revenue.

J. DOUGLAS, W. H. RAVENSCROFT, A. B. FYERS, Colonel MACKWOOD, VANLANGENBERG, P. RAMA-NATHAN, and F. M.

Legislative Council Chamber,
Colombo, 27th November, 1880.

On passing a vote of R500 for rewards for the destruction of wild animals, the Hon. R. B. Downall said it had been brought to his notice that there was no necessity for continuing such votes. The animals were only killed for the purpose of getting the reward. As to reducing the number of animals, that was hardly done to any appreciable extent and the sum paid for doing so was large; at one Kachcheri no less than R300 being paid in one year. He thought it was a question, when small sums of money were not forthcoming for really important work, that those votes for rewards should not be continued.

The Hon. the LIEUT.-GOVERNOR replied that the vote being taken at present was for the Kachcheri of the same gentleman who was, he believed, the hon. the planting member's source of information, and the Government would be glad to cut down the vote if he wished. But whenever they did so they met with an outcry from the Government Agents and Assistants.

The Hon. R. B. DOWNALL pointed out that the vote required in this case was spent before Mr. Fisher went to Hambantota. It was, he understood, the habit to take skins from one Kachcheri to another and get paid over again for the same skin.

The Hon. the LIEUT.-GOVERNOR: I don't think we have yet found a cheetah or bear in Ceylon which had two tails. The tail is cut off and retained when the reward is given, so that a double reward would be impossible. (Laughter.)

The bill was ordered to be reported as amended and referred to the law officers of the Crown.

A COMMISSIONER OF ASSIZE.

The Hon. the QUEEN'S ADVOCATE moved the second reading of the following Bill:—

An Ordinance to provide for the appointment of a Commissioner to hold Criminal Sessions of the Supreme Court.

The Hon. the LIEUT.-GOVERNOR seconded.

The Hon. J. VANLANGENBERG said that though this was a small measure, yet it was an important measure as an aid to the administration of justice. He had no objection to the principle of the bill, and therefore reserved such remarks as he had to offer to be made in committee. It was admitted that there was a considerable amount of work in arrear, so far as the disposal of appeals from District Court judgments was concerned, and that had been ascribed to alleged increase of criminal work in the Supreme Court. But it would be well for the Government to enquire into the cause of this alleged accession in the number of criminal prosecutions. They had a calendar at the Supreme Court now sitting at Colombo of upwards of 100 cases, and it was a known fact that that very large number of cases did not represent or show any actual increase of crime: many very trumpery cases which ought properly to be disposed of in a summary manner were committed for trial before the Supreme Court, and the valuable time of Judge and jury needlessly wasted in their investigation. It was a fact known to the profession that there was a very large proportion of acquittals in the cases now tried. More than fifty per cent of the cases at the present session had resulted in acquittals, and in cases where the parties accused were convicted of offences they were charged with the punishment was in some cases a fine of R1 or R15, a punishment which exempllified that the cases were such as were cognizable by the minor courts. There was, he understood, a little friction between some of the Justices of the Peace and the Queen's Advocate's Department, which had to some extent contributed to that very large number of cases. Hitherto the Queen's Advocate's Department and the Justices had worked harmoniously. Where the preliminary investigation was ministerially conducted by a J. P., the case according to the practice which subsisted, was submitted to the Queen's Advocate for instructions, and the instructions given were acted upon, and the case brought to trial before the Supreme Court This supervision efficiently exercised was the safeguard of the subject, and persons were not indiscriminately placed in positions of peril to their liberty. But now for some reason the J. P.'s acted independently of the Queen's Advocate's Department, and without any reference to officers of that department, cases were committed for trial before the Supreme Court, and it could not but be expected that when a great many of those J. P.'s, of small experience in judicial work, exercised the power of committing parties accused for trial, a power which it must be conceded under the present state of the law they undoubtedly had, it frequently happened that when the case came before the Supreme Court there were elements disclosed showing the case was a false one or its details so exaggerated as to lead to the belief that it was concocted, or the case fell through from want of the evidence legally necessary, to sustain the indictment. Not only was the time of the judge and officials taken up, but the jury which was composed of men of business, were unnecessarily obliged to give their time which might be more usefully employed. He might mention the fact that several times during the present Colombo Criminal Sessions the presiding judge lamented the waste of time and expense in sending many of the cases to that Court. Efforts should certainly be made to enquire into the matter. There was no just reason, as a careful examination would show, for ascribing that heavy calendar to increase of crime. If it were found that J. P.s had exercised injudiciously their powers some means should be adopted by legislation, if necessary, to place the administration of justice on a more secure basis. He should like to be informed also as to the intentions of Government as to the selection of persons as Commissioners of Assize. He was sure that

the Government would not underrate the importance of that high office, and not lightly esteem the functions of the intended Commissioner. He would be invested, so far as the criminal sessions were concerned, with all the power, responsibilities, and dignity of a judge of the Supreme Court, and it would be very necessary therefore that the greatest caution and care should be used in exercising the power conferred upon the Governor by that ordinance. He wished to place his views on record in the hope that they might have some effect. He had intended to move that the Commissioner to be appointed should be a gentleman who by early training and professional education might be deemed qualified, but he had thought that by so doing he might probably hamper the Government in the selection should occasion arise, because the field of selection would necessary be limited. There were at least two professional gentlemen who occupied the District Court benches of Colombo and Kandy whose appointment would no doubt give satisfaction, but he hoped it was not intended to go beyond gentlemen who possessed the professional qualification. The duties of commissioner were very high and very important, and not the least important of the duties of a Supreme Court judge was the assize work. It frequently happened that a judge who sat in the Supreme Court was called upon at a moment's notice to decide an important question as to the reception of evidence—the legality or illegality of evidence—and probably upon his ruling would depend the life or liberty of the person or persons charged. And this ruling, subject to no appeal, except upon a case reserve, is final. He (Mr. V. L.) felt sure that no loss respect would be paid here to the liberty of the subject than that shown in England. According to the Supreme Court Judicature Act in England no person was appointed Commissioner of Assize unless he was a Queen's Counsellor, and he (Mr. V. L.) hoped that the Government here would take all possible steps to appoint a properly qualified person. He need not recall to the attention of hon. members that at present the District Court benches at Colombo and Kandy were occupied by professional men. The profession so far back as 1872 advocated the appointment of a professional gentleman to occupy the District Court bench at Kandy. A gentleman then in the service (Mr. Gillman)—than whom perhaps there was not at that time a better qualified man in the service and who moreover had the status of a barrister—was by the local Government appointed to fill the post. A memorial was sent to the Secretary of State by the profession, and notwithstanding Mr. Gillman's qualifications the then Secretary of State displaced that gentleman and appointed the present Chief Justice as the District Judge of Kandy. Hon members would thus see that in such an office as District Court Judge at Kandy it had been acknowledged that a professional gentleman should fill the place. How much stronger then was the argument that the Commissioner of Assize should have those qualifications which were required in the case of a person to occupy the District Court bench at Kandy? He fully trusted that with a due regard to the heavy responsibilities which attach to the office whenever any occasion should arise for the exercise of that authority that none but persons fully qualified would be appointed.

The Hon. the QUEEN'S ADVOCATE deemed it desirable that he should say something as to the increase of business in the Supreme Court. What had fallen from the hon. and learned member for the Burgher community did not apply, he apprehended, to his (the Q. A.'s) period of office, as he had been endeavouring ever since he took over the duties to combine the *suaviter in modo* with the *fortiter in re*, and so he hoped to create a better feeling between the Justiciary and his department. As to the increase in crime and prosecutions before the Supreme Court they were undoubtedly owing to indiscriminate commitments by J. P.'s without reference to the Q. A.'s Department, to a great extent. But that increase was also due to another cause. There was friction between two other departments, the District Court and the Supreme Court. It was most difficult to know where to send a case to,—whether to the District Court or to the Supreme Court. Their jurisdictions ran into each other in the most incomprehensible manner so that no lawyer could tell where the difference existed. So that to a certain extent the whole question rested with the judgment of the Queen's Advocate or Deputy Queen's Advocate, and that judgment was very often perplexed in consequence of the objection on the part of the District Court to try cases which it thought should go to the Supreme Court, and of the Supreme Court to try cases which were sent to it which it thought to be paltry and not of sufficient importance to be sent there. Although he personally was at the head of the department as Crown prosecutor for the colony, that was a part mostly managed by the D. Q. A. He hoped and believed that the next session of the Supreme Court would show a vast decrease in the numbers of committals because he trusted they would be enabled to exercise a larger supervision over cases and he hoped they would be able to impress upon J. P.'s the advisability in most cases of consulting the department before committals were made. That J. P.'s were not bound to do so he had had painful experience recently. As to the last question referred to by his hon. and learned friend, the appointment to the office, he was sure that the Government would follow out the recommendation then made that they should be most careful to secure the services of the very best person that could be obtained for the office. It was for that very reason that no special qualification had been attached in the ordinance to the holder of the office because he apprehended that the Executive Government might have found themselves very much hampered in their selection thereby.

HIS EXCELLENCY desired to say and have placed on record, in response to the appeal made by the hon. and learned member for the Burgher community, that he was quite sure that every officer administering the Government of Ceylon would be extremely careful in appointing a Commissioner of Assize. As the hon. and learned member had pointed out, the importance and power of the office made it one which ought not to be entrusted to any person not fully qualified: the Government would not be prepared to appoint any person whom it would not be prepared to appoint even to the Supreme Court bench if necessary. He thought that as a rule only those gentlemen who could be placed on the Supreme Court bench should be appointed as Commissioners, but it might happen to be impossible to get such a person, and then it would be necessary to appoint some person not so fully qualified, therefore any condition as to qualifications had been omitted, with that emergency in view. He felt quite sure no Governor would ever appoint, if possible, a person to be Commissioner unless such person was qualified to sit as a Supreme Court Judge.

The bill was then ordered to be referred to the law officers of the Crown.

THE REVISED CODE.

The Hon. the LIEUT.-GOVERNOR said that an hon. member who had taken a great deal of interest in the revised code, would be leaving the island on Tuesday next, and the Government would therefore be glad if it would suit the convenience of hon. members to have a sitting on Monday to receive the report of the sub-committee and to resume consideration of the motion on that subject.

This was agreed to, and Council was adjourned at 4.45 to Monday next the 6th instant, at 3 p.m.

MONDAY, DECEMBER 6.

Present: His Excellency the Governor, the Hons. the Lieut.-Governor, the Queen's Advocate, the Auditor-General, the Treasurer, the Government Agent, W. P., the Surveyor General, the Principal Collector of Customs, J. Van Langenberg, J. P. Obeyesekera, P. Râma Nâthan, and F. M. Mackwood.

Absent:—The Hons. the Major-General, the Government Agent, C. P., R. B. Downall, and H. Bois.

THE ASSENT OF H. E. THE GOVERNOR

to the following Ordinance was announced by the Hon. the Lieut.-Governor:—

Ordinance No. 12 of 1880: "An Ordinance to amend the Village Communities Ordinance, 1871."

PAPERS.

The Hon. the LIEUT.-GOVERNOR laid on the table further papers on the subject of the revised code for aided schools.

THE QUEEN'S ADVOCATE'S DEPARTMENT.

The Hon. P. RAMA NATHAN rose

To ask, in reference to the item of R4,500 included in the estimates of the Queen's Advocate's Department for 1881 as salary of the office assistant required by the Queen's Advocate, whether the saving alluded to in the report of the sub-committee will necessitate the suppression of the office of head clerk, carrying at present an emolument of R3,000? and to move for papers.

He said: I bring forward this motion, sir, in the interests of the Clerical Service of the Colony. From what I hear—I may be wrong—but it appears that the offices of head clerk and second clerk are to be discontinued in the Queen's Advocate's Department and in lieu of those two offices there is to be created the office of office assistant. I have nothing to say against any departmental arrangement which my hon. and learned friend, the Queen's Advocate, may deem it proper to make. But I do think that where there are vested interests and where special promises have been held out by Government the Government ought to be loath to accede to any request for change or reform on the part of heads of the departments unless there are very substantial reasons for it. I wish to ascertain whether any such substantial reasons have been advanced for the suppression of these offices. Your Excellency will remember the minute of H. E. Sir Wm. Gregory dated 24th December 1874 on the Clerical Service. The minute opens thus:—

> The improvement of the position of the members of the clerical establishment is a subject which has for a long time engaged the serious consideration of the Governor.
>
> He has found that they advance two grounds of complaint—the inadequacy of their salaries, and the stagnation of promotion in the branch of the service to which they belong.

And the minute goes on to consider the first ground of complaint. It acquiesces in the justice of that complaint and provides for a remedy, in these terms:

> To remove this very justifiable cause of dissatisfaction, it has been decided to throw together, for the purposes of promotion, many of the Departments of the Public Service that have hitherto been regarded as distinct, and so to secure to every member of these Departments a fair average chance of promotion.
>
> With this view, the clerical establishments at the principal Kachcheries, and the Kachcheries of the Assistant Agencies, and the Offices of Registrar of Marriages, Births and Deaths, in each Province, will be taken as forming one Provincial Establishment; and every clerk in each of these offices will have his claims considered to promotion to any vacancy of more than 600 rupees occurring in any of them.

And the minute proceeds:—

> In the second place, the Establishments of all the Courts, the Deputy Queen's Advocates, and Fiscal's Departments, will be classed together as one Judicial Establishment in the several Provinces—the Queen's Advocate's Department being classed with the courts of the Western Province—and, where it can be done without detriment to the service, appointments at present separate will be combined, as opportunity offers, so as to provide a few more prizes for deserving members of the establishment.

We all know what led to the establishment of the office of head clerk in the Queen's Advocate's Department. It was started on a small salary, but as the head clerk had very onerous duties to perform his salary was from time to time raised till it reached the maximum of R3,000 per annum, and the office was put on a par with the head clerkship of the Audit office and the Kachcheri. The officers of the clerical service are generally very deserving men. The Government have done very little to add to their emoluments, though it has been very free towards the members of the higher departments, the members of the Civil Service for instance. It has given the members of that service, men, comparatively speaking, rolling in wealth, 20 per cent in addition to their salaries, whereas it has done nothing to ameliorate the condition of the clerical service, which really requires help from the Government. This is a very noteworthy grievance they have to make against the Government. Now it appears one of the few prizes set apart for them is to be taken away from their grasp and given to an outsider. This is a grievous state of things indeed. I would wish to know what are the special reasons which induced the Government to sanction the suppression of the office of head clerk. I also wish to know, sir, whether any attempt whatever was made to select out of this large clerical service any member to fill up the post of office assistant to the Queen's Advocate. It is nothing but fair that the office should not be given away to an outsider if an eligible member in the clerical service could be found to occupy it. While on this subject I desire to allude to one other matter: I hear that the office of Office Assistant is to be conferred on a very junior member of the bar. His name also I have heard mentioned, but will not disclose it here. Reference to matters of this kind is unpleasant, but as an unofficial member I have occasionally to say things that are very unpleasant. Personally I have great regard for the very junior member of the bar in question, but he happens to be a European. There are other persons in the bar, not Europeans, who had been very useful to Government in filling appointments, some acting as Deputy Queen's Advocates and some even as District Judges. They may be willing to serve as office assistant, but they are not even thought of in connection with this appointment, though senior to the junior member in question. It smacks of favouritism, and I shall be glad indeed to hear that these rumours which are abroad are not correct.

The Hon. J. VAN LANGENBERG said that upon this motion his hon. and learned friend had raised a question which purported to affect the interests of a large number of deserving public servants in the service of the Crown: but before joining in the debate he would wish to have some definite and precise information as to the question put. In a matter purely departmental, he did not wish to interfere, as the chief of the department was responsible for its efficiency, and anything affecting the organisation should properly be left to the party responsible. If the hon. the Queen's Advocate required an office assistant, his requirements should be met, but he (Mr. V. L.) hoped that it would not be at the sacrifice of an office which had been held up as a prize in the Clerical Service. The office of Chief Clerk of the Q. A. Dept. carried a salary of R3,000 and deserving clerks looked up to the appointment as a reward for long service and merit, and he could testify to a large number of clerks now in the service who would satisfactorily acquit themselves in the fulfilling of the duties of that office. He hoped that by the contemplated arrangements in the establishment of the Q. A. it was not intended to suppress either the office of Chief Clerk or Record Clerk. With the view of obtaining information he (Mr. V. L.) would second the motion.

The Hon. the QUEEN'S ADVOCATE replied that the question which the hon. and learned member had just asked in his speech differed somewhat from the question which was put upon the notice paper. The notice paper asked whether in reference to the item of 4,500 rupees included in the estimate of the Queen's Advocate's Department for 1881, as salary of the Office Assistant, required by the Queen's Advocate, the savings alluded to in the report of the Sub-Committee would necessitate the suppression of the office of Head Clerk, carrying at present an emolument of 3,000 rupees. That was the question which he saw on the notice paper and which he had assumed would be the question he should be called upon to answer. But he found his hon. and learned friend had gone out of the record—if he might so speak, and he (Mr. R.) would understand him,—when he asked whether there were special reasons for the suppression of that office. There were two distinct questions which he had based on the notice he gave a day or two ago. As to the first question he (the Q. A.) apprehended that he should be able to give an answer which would free him from any imputation of having advanced anything for the purpose of suppressing any office. He had never had the slightest intention of suppressing any office. He could only say—and it was perfectly well known, it was not made a secret of in any way, and no one knew it better than the hon. and learned member who had put that question—that he (the Q. A.) had desired for a long time past, and indeed that desire came upon him very soon after he took over the duties of his office, to make certain organic changes in the department. One of them was—and whether it was a right one or not would rest upon him to shew hereafter—that the whole department should be centralised in Colombo. There had been some opposition to it, but he felt very strongly about it and he felt quite sure that if he had to answer questions respecting it next year he should be able to give very satisfactory answers. With reference to suppressing any officer at present in the enjoyment of the emoluments of office, so far as he was concerned he had never had the slightest idea of it. The present excellent chief clerk was an old gentleman who had been in the public service a very long time, and only this morning had informed him (the Q. A.) that he hoped to be in office very much longer, and that if persons thought they would make him give up his office so that they might get it they were very much mistaken. He would bear testimony to the efficiency of that clerk. He had a thorough knowledge of the previous papers and rendered great service indeed in finding out for him from time to time what the previous records had been. So far as the chief clerk went, it was very clear he would not be suppressed, at any rate for some time to come. Now as far as the second clerk was concerned, he (the Q. A.) apprehended that if he were suppressed he (the Q. A.) would have nothing to do with it, as when he had come to Ceylon he distinctly understood that the second clerk was employed at his present work on sufferance, his services being rendered unnecessary by the fact that certain work which ought never to be entrusted to the Queen's Advocate's department and which that clerk had been accustomed to do had been removed from it. In thus answering one of the questions upon the paper, he thought he had answered the other put by the hon. and learned member: whether any special reasons had been given for suppressing the office. There was no intention whatever to suppress it and therefore he fancied his hon. and learned friend's motion fell harmless to the ground. There was another question alluded to, when the hon. and learned member said he thought vested interests should be protected. He (the Q. A.) knew nothing about what the vested interests of any particular persons in the colony might be. But this he would say, that the doctrine of vested interests became a very dangerous one when pressed to such extremity that a man, whether able or competent should think that he had a vested interest in a public office. If such a principle were admitted he felt sure that the public service would suffer. They should look to the ability of a man to perform the work, and if unable to perform that work he should not be permitted to say "I have a vested interest in the office." He could scarcely consider that he (Mr. R. N.) would think that vested interests were so paramount, even in Ceylon, that those interests should have precedence over the public interests.

The Hon. P. RAMA NATHAN: I have not gathered from my hon. and learned friend what the savings are which permit of the creation of the office assistant, and will the savings alluded to in the report necessitate the suppression of the office?

The Hon. the QUEEN'S ADVOCATE: I am not aware that it will.

The Hon. P. RAMA NATHAN: I am quite content with that answer, and I hope that the head clerkship will long continue to be a prize to the clerical service.

The Hon. the LIEUT.-GOVERNOR: There are no papers on this question.

The Hon. P. RAMA NATHAN: There is the letter from the Queen's Advocate to the Colonial Secretary of 14th July 1880, and the Colonial Secretary's reply dated 28th September 1880.

The Hon. the LIEUT.-GOVERNOR: That was a confidential paper, but it did not refer to the suppression of any office.

The Hon. the QUEEN'S ADVOCATE: The suppression is not mentioned at all in this wondrous document.

The Hon. the LIEUT.-GOVERNOR: I had not heard anything about the suppression before the present motion. (Laughter.)

The Hon. P. RAMA NATHAN: Nevertheless there was a widespread belief in the courts that it was to be suppressed. If it is not to be suppressed, it is well and good.

THE REVISED EDUCATIONAL CODE.

The Hon. the LIEUT.-GOVERNOR brought up the following report of the sub-committee on the revised code:—

Report.

The Select Committee appointed to consider the proposed Code for Aided Schools, 1881 have the honour to report as follows:—

They recommend that after clause 12 an additional clause be inserted providing for the publication in the *Government Gazette* of all applications for new schools or proposed changes in the location of any existing school.

Clause 20—The Committee learn from the Director's memorandum, that it is the intention of the Government to proclaim in the *Gazette* the places to be considered as towns for the purposes of the Revised Code, and approve of the list as given, viz.:—

WESTERN PROVINCE.—Colombo...Municipal limits. Kalutara...Police limits, Negombo Police limits.

SOUTHERN PROVINCE.—Galle...Municipal limits. Mâtara Police limits.

CENTRAL PROVINCE.—Kandy...Municipal limits.

EASTERN PROVINCE.—Batticaloa...Police limits, Trincomalee...Police limits.

NORTHERN PROVINCE.—Jaffna Police limits.

Mr. RAMA NATHAN moved that the attendance in town schools be reduced from 50 for boys, 30 for girls, and 60 for mixed schools, to 40, 20, and 50 respectively. The Committee divided with the following result:—

Ayes.	*Noes.*
Mr. Rama Nathan,	Mr. Van Langenberg,
" Mackwood.	The Prin. Col. of Customs,
	" Govt. Agent, W. P.,
	" Lieutenant-Governor.

In "B" schools, described as "in country villages," the Committee recommend that the word "country" be omitted.

On the motion of Mr. RAMA NATHAN, that attendance in village schools be reduced by 5 in each description of schools, the Committee again divided:—

Ayes.	*Noes.*
Mr. Rama Nathan,	Mr. Van Langenberg,
„ Mackwood.	The Prin. Col. of Customs
	„ Govt. Agent, W. P.,
	„ Lieutenant-Governor.

The proposed average attendance for schools in C. class agreed to.

Clause 26.—Under the definition of High Schools, the Committee understand that the words "or in any of the specific subjects of examination enumerated in Schedule C." shall include the standard of the Indian Universities.

Clause 75.—Public examinations. The Committee have conferred with the Director of Public Instruction, who has expressed his willingness to communicate with the authorities of the Indian Universities in order to include their examination in the system for "grants-in-aid" for superior instruction.

Legislative Council Chamber, Colombo, 3rd December 1880.

The Hon. the LT.-GOVERNOR then proposed that the Council resume the debate on the following resolution moved by him on the 20th October 1880:—

That it is expedient that the educational grants for the year 1881 shall be made in accordance with the provisions of the Revised Code for Aided Schools, prepared by the Director of Public Instruction.

The Hon. F. M. MACKWOOD: Are we going into committee on the question?

The Hon. the LIEUT.-GOVERNOR: No. The motion is before the house.

Mr. RAMA NATHAN: It is then competent for me to amend it?

The Hon. the LIEUT.-GOVERNOR: Yes.

The Hon. P. RAMA NATHAN said: In rising to move an amendment, allow me, sir, first to express my best thanks to yourself and the Lieutenant-Governor especially, and generally to other hon. members, for according to me the unsolicited honor of a special sitting. I have always taken a deep interest in the cause of education, and I gratefully acknowledge the readiness with which the Hon. the Lieutenant-Governor proposed to me the desirability of calling a special meeting for this day in view of my intended departure from Ceylon to India. The motion before the Council involves one of the most important subjects which has come before it during this session. The enforcement of the principles embodied in the code will undoubtedly alter the educational system of our colony, some say for good, others say for evil, and others still say that it will work a calamity. Before I state the terms of my motion for amendment, I wish to state my views on the code. Nothing is more universally admitted than the principle that the Government should provide for the education of the masses. It cannot for generations to come give them anything like culture, but what is expected of it is to instruct them to the extent of enabling them to take care of their own interests in their own stations of life. This was plainly the aim of our past rulers. The *Pansala* education of the Sinhalese districts was a copy of the *pathsala* system indigenous to Bengal, with which we have been made familiar by Sir George Campbell. In the Tamil districts, there was a corresponding institution, in the school of the hereditary village teacher. The education imparted in these institutions was by no means liberal, nor was it marked by independence of thought. It was special and technical education, the nature of which is well summarized in the report of the Director of Public Instruction in Bengal. He says:—

"It was not education at all in the proper sense of the word, but rather instruction in some of the most necessary arts of life. The pupil learnt writing and arithmetic. He learnt writing, not that he might enlarge his mind or delight his leisure by reading, for books were unknown to him. He learnt that he might be able to address his landlord or his father-in-law in the set style that had been confirmed by the usage of centuries. Arithmetic is always and necessarily a practical art. But the arithmetic of the pathsalas was so eminently and intensely practical that it neglected everything that had not immediate reference to the daily concerns of a villager's life.

The people of the country always set store by education of this kind, and it is mentioned of King Wijaya Bahu III, who reigned in 1240, that "he established a school *in every village* and charged the priests who superintended them to take nothing from the pupils, promising that he himself would reward them for the trouble." Such was the policy of enlightened Sinhalese sovereigns, the policy of bringing education to the very doors of the people. The Dutch pursued the same policy, Pridham speaking of education during the time of the Dutch records as follows:—

A school was erected *in every parish* through the maritime provinces where Dutch rule extended. Each school had from two to four teachers, in proportion to the number to be taught. Every ten schools were at the same time under the care of a superintendent, who examined alike their proficiency and the conduct of the teachers. There was likewise an annual visitation by the Dutch clergy, each of whom had the schools in a particular diocese committed to his charge.

Upon the arrival of the English in 1796, this vast network of schools fell into decay, from the fact of the salaries of masters and catechists being left unpaid for several years. Governor North tried to revive the system, but he received no help from the home Government. In 1831, however, a commission of inquiry was appointed to report on the state of education in Ceylon. In that report, the few schools which survived the neglect of Government are described as "extremely defective and inefficient, and the control exercised insufficient to secure the attendance either of the masters or of the scholars; many abuses prevail, and the Government schools in several instances exist only in name." To place the education of the country on a more efficient basis, a School Commission was appointed in 1834 and grant-in-aid rules were first introduced in 1841, but they were applicable only to English schools. In 1856 missionary schools were expressly excluded from the benefits of the grant-in-aid rules, and it was not till 1861 that those rules were revised so as to admit the giving of grants to all schools impartially. Under this system, schools have cropped up in every direction, widely diffusing knowledge: not the cramped education of the *pansalas*, but a more liberal knowledge giving free exercise to the judgment. The question now is, is this grant-in-aid system to be restricted? Is the time come for limiting its extension? I think not—not to the extent proposed by the Director. The wealthier classes of Ceylon, absorbed in their own pursuits, do not think of the educational wants of the poor, nor are the labouring classes sensible enough or able to help themselves. It is therefore the duty of the Government to urge the masses to educate themselves and to contribute largely and freely to the cause of such education. The circumstances of the colony permit of such education mainly by means of small schools, and the withdrawal of the grants from such schools will seriously affect the educational opportunities of the people. An attempt of this kind, to restrict the operation of the grant-in-aid rules, was made in India some years ago, but Mr Arbuthnot, the then Director of Public Instruction in the Madras Presidency, opposed it firmly. He said:—

It is not probable that for some time to come, the wealthier classes will sufficiently appreciate the duty which devolves on them of contributing to the instruction of their poorer neighbours, to make any pecuniary sacrifices for this object. Still less is it probable that the labouring classes, whether cultivators of the land, or petty traders, or artisans, will form associations among themselves for this purpose. Even in England where the advantages of education are far more generally appreciated than they are likely to be in India during the life time of the present or indeed of the next generation, it is only by the agency of large Societies deriving their main support from the subscriptions of the wealthier sections of the community, and by the efforts of individuals belonging to the upper and middle classes, that the present system of national education is maintained. It is by the National Society and the British and Foreign Society, by the subscriptions of the squire and the clergyman of the parish and a few of the principal farmers in the rural districts, by the owners of factories and the thriving shop-keepers in the towns—not by associations of labourers, that the National schools of England are enabled to meet the conditions on which aid is granted to them by the State. There, it was not till the blessings of education had been known and valued by the upper and middle classes for centuries, that the duty of meeting the wants of the lower classes was practically admitted. Here, where the commencement of educational operations among any class is a matter of comparatively recent date, it is not to be expected that what it took so many years of high civilization and enlightenment to accomplish in England, will be brought about at once.

Mr. Arbuthnot accordingly recommended that no measure should be adopted which would be incompatible with the extension of the grant-in-aid system. In matters of education, the Madras Presidency is far ahead of us. The arguments of Mr. Arbuthnot therefore apply *a fortiori* to Ceylon. The policy of the present code is to reduce the number of schools, where superabundant, in the hope—for there is no certainty—of creating larger schools. I admit that larger schools, with a good teacher, regular attendance of pupils and good discipline are more efficient for purposes of education than small schools. But the hope of the Government to create large schools may prove to be a vain hope. The Director of Public Instruction, for whom personally I have the highest respect, does not appear to have taken note of the circumstances of the Island. His attempt to develope small schools into large schools is like attempting to make a child of tender years carry a weight which only a grown-up man might. The attempt would end in a failure. The child would be crushed under the load, while the grown-up man would carry the weight as usual. Similarly large schools would continue to exist, but small schools would be suppressed. They would not rise to be large schools. The reason is, there is no compulsory education in Ceylon. The people of the country do not appreciate education, not to the extent of sending their children to the distance which the abolition of the smaller schools and the strengthening of larger schools would imply. In the next place, even if they appreciated education, they are too timid to trust their children all alone so far, children who are not so self-helping as English children. If small schools are thus suppressed, the evil is two-fold; not merely the suppression of the small schools themselves, but the depletion of the larger ones. Wherefrom would you get the supply to feed the larger schools? I think the high average attendance insisted upon in the code is too great a strain on the country. It involves an increase of 150 per cent more or less on the old average attendance. Why adopt suddenly such a drastic change? The Director pulls one way, the managers of schools another way. The Council would find a safe rule in the mean. I propose to reduce the average attendance in towns, in the case of boys' schools to 40, in the case of girls' schools to 20, and in the case of mixed schools to 12, 8 villages to 25, 15 and 20; and in C schools to 12, 8 and 12 respectively. The last amendment affecting C. schools was proposed in sub-committee by my hon. friend, the member representing the general European interests (Mr. Mackwood), but was not pressed. On reconsidering the subject, I agree with my hon. friend in the necessity of amending the attendance in C. schools also. If I lose my motion in Council to day, it may become necessary for me to consider whether I ought not to protest against the ruling of the Council, for I feel that no substantial reasons have been given for withdrawing Government support from small schools to the extent proposed. They must continue for a few more years to instruct the children of the island. While in sub-committee, the director was called in to furnish information and his narration of the frauds and irregularities committed by the teachers created a profound impression in the minds of certain of the members of the sub committee, but it fell flat on me,—(laughter),—because I knew that no legitimate argument could be built on it in support of the theory of the Director that large schools ought to be strengthened and small schools suppressed. I have seen the Director since the sitting of the sub-committee and put to him pointedly the question by whom were these frauds and irregularities committed? He complained of the teachers under the American Mission of Jaffna. I asked him what about the other educational bodies? He said such cases were very rare in the Baptist, Church of England and Roman Catholic schools. Of the Wesleyan Mission he said that there were many cases in Jaffna, but rarely elsewhere. If you thus analyze the charge of frauds and irregularities, the charge is made out only against Jaffna. Is it proper to revise the general rules of the department simply because frauds and irregularities were practised in Jaffna? It is therefore clear that the high average attendance of the code cannot be made to rest on frauds practised in Jaffna. If there is not this reason, what other reason is there for the high average attendance? Only the *hope* and not the certainty, of creating large schools. I have already shewn that the present circumstances of the colony will not allow of the realisation of that hope without seriously imperilling the opportunities, few as they are, which the children of Ceylon have for picking up some learning. I therefore move the amendment as follows:

That in substitution of the list given under clause 20 (c) the following list be adopted:

a.	In town	In a boys' schools ...	40
		In a girls' school ...	20
		In a mixed school ...	50
b.	In a boys' school ...	... ...	25
	„ girls' „ ...	... ...	15
	„ mixed „ ...	... ...	25
c.	In a boys' school ...	... ...	12
	„ girls' „ ...	... ...	8
	„ mixed „ ...	... ...	12

The Hon. F. M. MACKWOOD: I beg, sir, to support the amendment of the hon. and learned member for the Tamil community, for the reduction of the average attendance. He has gone very deeply into the question as regards the rights of the case from certain points of view. I would appeal that this concession be made by the Council on the score of justice (Hear, hear). Some years ago, when the grant-in-aid system was first introduced, I presume the Government were only too glad to give aid to small schools, as we find the standard of that day put, irrespective of distinctions between towns and villages, at 20 for boys and 15 for girls. That standard existed nominally, I think I may say, for some years, and grants were given to schools under that nominal standard. In point of fact, I believe it was so loosely looked after that many of the schools had nothing like that standard, and were still allowed to draw their grants. When the new Director took up the reins of office, and taking the view which he (Mr. M.) thought every member of the sub-committee took also, that a large school was very much preferable to a small school, the line to be drawn between the existing schools, and that for new schools was a little lost sight of. If, as I maintain, the Government acted as I have stated in years gone by, and if those schools are existing in localities at the present time in the same strength as previously, and if there has been no material increase of population, it becomes almost an injustice to expect those schools, to increase their nominal standard by two or three fold,—in reality

they have been asked to do it four or four-fold, for their attendance must be first brought up to the standard required in the previous minutes. I see by the report of the Director that it accounts for closing 57 schools. Very many of those schools, though weak in numbers, must be doing some good, and it would be unfair to sweep them away to restore the standard of attendance. As regards irregularity in schools, where that takes the form of dishonesty, I have the opinion, shared I believe by nearly all the members of sub-committee, that the revised code is rather wanting, for I hold that any school in which irregularities in the form of dishonesty can be proved should be done away with at once, for the teachers cannot be expected to do much good for their scholars. On the score of justice to these schools, the Government having admitted them to the benefits of the grants in aid under the old system, they should have at any rate a probationary time given them. We thoroughly agree that for new schools the attendance required should be adhered to.

The Hon. the LIEUT.-GOVERNOR: Sir,—I think it as well to disabuse an impression which has got abroad and was referred to by the hon. and learned member who proposed the amendment to the motion which stands before the Council, that the operation, or rather policy, of this code will be a restrictive one. It is not intended to be a restrictive one, but one of improvement. The paper which has been already circulated and laid on the table to-day, shows the manner in which the policy of the code is intended to be carried out. It is never intended in any case to suppress a school where that suppression would involve any withdrawal of educational facilities from the people living in the neighbourhood. On the contrary, where the suppression of a school would involve anything of that sort, the department would place it under special regulations and support it as an educational necessity, but what is intended is to cope with what has been brought forward year after year to Government for some time past, as a very great evil in our educational system; that is the multiplication of rival schools in more or less populous districts; those schools competing with one another, and I may say doing harm rather than good as educational media. To get an idea of what I refer to I would take the case of a neighbourhood of Colombo, the district between Wellewatte and Moratuwa. You have six miles of thickly populated country there, and there are 60 schools in that distance competing with one another. Is this advisable? Is it on educational grounds desirable to maintain such a number of small and feeble schools if we can have large schools of from 60 to 100 scholars each? I believe it is the opinion of the majority of the members of the sub-committee that they do harm rather than good. I don't wish to touch, except lightly, upon a point referred to by the hon. and learned member as to certain irregularities in those schools, but I would say that we are convinced that those irregularities are without the knowledge and strongly against the wish of the managers, but certainly they do exist and I cannot agree with the hon. and learned member in ascribing the monopoly of them to the Jaffna peninsula and to the American Mission. I was very much surprised to hear what he has stated as to information said to be derived from the Director of Public Instruction and I have had time to ask the Director whether the information supposed to be derived from him was correct, poly I—

The Hon. P. RAMA NATHAN: It was not a monopoly I—

The Hon. the LIEUT.-GOVERNOR: I am assured it was not correct, and indeed we had a case in sub-committee in connection with this very district I have referred to, where we have 60 schools all treading on one another's heels. Well, sir, in the memorandum which has been laid on the table it is shown that the possible effect of introducing the code, as far as we can tell at present, will be to abolish 57 schools. Of those 57, 13 are in towns, and the remaining 44 are, I believe, almost without exception all in populous districts; none in places where education is not present and available to the scholars who may leave them. It is not intended in close those schools on the 1st January 1881, but the effect of the code will be that between now and 1st January 1882 the managers of educational bodies will have time to consider what they will have to do in face of the code, and they will be able to see if they have a chance of raising the schools to the standard required, if not to amalgamate with other schools of their own or take such other steps as they think to be advisable. This shows clearly that the code is not brought forward in any spirit of hostility to the educational bodies, but finding there was an evil which must be coped with, it is intended to cope with that evil. The hon. and learned member has said that if you close a school the children will not go to another school. That is not our experience by any means. It has been the policy of the Government to act in many cases as the forerunner of these educational bodies; that is to say, the Government school has been opened in a place where there has been no school and as soon as an educational body has started a good and efficient school in the neighbourhood the Government was and is always prepared to retire in its favour; and we have never found that we have done any harm by doing this, so long as the school in whose favour we retire is a good and efficient one. I do not myself believe that in the maritime populous districts, with which this code principally deals, the people are quite in that state of darkness which the hon. member would have us believe. It is extraordinary to find the appreciation the natives have for education, especially in the Jaffna peninsula. They will go long distances to get education so long as it is good and as long as they have confidence in the teacher. That is a very important point, which has been already dealt with in Council, and one we have found very important. We have often had schools which it seemed to us ought to succeed and had every chance, and we have been on the point of giving them up when it has been suggested to try another teacher. We have brought in another teacher and the school has at once proved to be a prosperous and useful establishment. This is one of the great objects of having larger schools because you can and do have better teachers and better discipline, and the education is in every way more efficient. And, sir, I do not think we are committing any practical injustice in introducing this code. Unquestionably a school at starting must be a small one. In creating a system of education we have had ten years time to mature the system but were bound to begin by small beginnings so as to encourage every fish that would go into our net. But in time such a system must be regulated. Points will come upon which you must make rules in order to bring that system (I was going to say—perhaps it was rather want of system) in order to systematize what we have got. This is what we want to do. I do not think that any practical injustice will be done especially considering that the educational bodies have before them a whole year in which to make their arrangements and consider what it is best for them to do. I therefore persist in my motion.

The Hon. J. VAN LANGENBERG said that as his hon. and learned friend might probably press his amendment to a division he (Mr. V. L.) did not wish to give a silent vote. Any question which dealt with the general education of the people must necessarily be one of great importance, and the Government must themselves have been sensible of this importance as to invite the consideration of the whole of the Council to the policy of the code before adopting it. He (Mr. V. L.) had given the code his best attention,—and it was the highest testimony to the discrimination and judgment

of the Director that after the fullest consideration which had been given to it by the select committee, on which were members of the Council who represented the views of the different managing bodies, there was only one objection to the details of the code passed before the Council and that related to the average attendence, which had been raised. All were agreed upon the desirability and the advantage of having one large good school in a populous district in preference to a large number of small schools, situated within a mile distance of each other. He (Mr. V. L.) had been much impressed with the information furnished to the Sub-committee, which disclosed a great many irregularities in the conduct of those small schools, ascribable to the want of proper supervision, and it was pointed out that the supervision could not have been efficiently exercised without considerably increasing, at great expense, the cost of the inspecting staff. Other small schools had been shown to be an evil, and he (Mr. Van Langenberg) was not prepared to accept the excuse that the managers were ignorant of their irregularities. Efficient supervision by the managers would have made known to them any impropriety which existed. The standard, which upon the introduction of the grant-in-aid system in 1863 was established, upon conditions which then existed could not fairly be insisted on now. A system grew with time, and the cause of education now demanded the change. He therefore supported the motion.

The Hon. J. P. ONEVSEKERA remarked that as the amendment of his hon. and learned friend might be pushed to a division he considered it his duty to state his opinion on the code. He had given great attention to it, and could not but come to the conclusion that the principle of the code ought to be approved on all hands. The principle of the code was that of centralisation, and a high average attendance seemed to him to be the pivot upon which the whole system turned. He thought that this main principle would be defeated if the hon. and learned member's amendment were adopted. He (Mr. O.) had had some experience of the elementary schools in the interior of the country, and from his own observation did not think they had borne such fruits as were expected of them by the Government. The attendance in those schools was very poor, principally owing to the incompetency of the teachers to conduct them and also to the unfitness of the books studied. These schools, conducted as they are at present had, he thought, a sum what mischievous tendency: in that they, instead of imparting useful education, an education by which the pupils would be able to obtain a sufficient competency upon which to depend in after life, taught them a smattering of questionable Sinhalese and English and, in short, gave them a sort of bastard education which was of little or no use whatever to them. The languages taught were defective and the knowledge gained through them was not likely to be of any use whatever to the scholars after life. Ignorant and misguided parents who were unable to form a correct estimate and appreciation of education sent their children to those schools, and their children imbibed in them a sort of conceit in being able to read and write a few characters and invariable despised their less enlightened parents and the time honored avocations which their forefathers had been in the habit of following, and the parents consequently instead of reaping benefits from their children were despised by them, who thought it *infra dig.* to follow the same occupations as their parents. Thus they proved a tax and burden upon their parents. He knew of cases in which, in order to keep pace with the high notions of their children, parents had been obliged to mortgage their properties for the purpose of maintaining them in a style in keeping with their newly acquired notions of self-importance, without eventually getting any benefit for doing so. That was the tendency of the education imparted in most vernacular schools in the country, and he thought the principle of centralizing the schools was one which should commend itself to every right-thinking mind. Most of the schools were utterly useless, and it would be wise and prudent on the part of the Council to endeavour to have fewer schools, worked in an efficient manner under efficient teachers and inspectors. For that purpose they should especially have efficient teachers. If for no other reason he would advocate the policy of suppressing the numerous feeble schools and having a smaller number of larger and more respectable ones simply because of the impossibility of getting a sufficient number of efficient teachers for all of them, thus keeping in the schools only such of the boys as were naturally gifted with talent which gave promise of development in the future. As to the objection of the hon. the Tamil member to the standard required of children he thought it was a question which should be viewed in two ways. It would be difficult in many cases for the pupils to come up to that point, but at the same time they should note that it would rid those schools of the refuse which should not be in the schools, it would rid them of children who had no natural talent or gifts which would suit them for mental labours, and would retain only the few who were fitted for the pursuit of study. Therefore he thought it was a step in the right direction if they could possibly drive from those schools children not naturally adapted for learning, and sent them away to follow such avocations as they were fitted for by nature. Therefore he thought there could not be much objection to the code, which was at least worth a trial. He should be greatly mistaken if the code, when given a fair trial, with a proper set of books for the vernacular schools, and a competent staff of teachers and inspectors, did not achieve much good.

H. E. the GOVERNOR: Before putting the question before the Council, I should like to say on behalf of the Government a few words, and to pay the tribute which the Government owes to the managers of schools and the different Societies with whom those managers are connected, for the general ability, perseverance, and success with which they have developed the grant-in-aid system here during the last eleven years. (Hear, hear.) In 1869 the system comprised 21[illegible] schools, and 1,600 children. I have not before me at this moment the statistics of to-day, but the number of schools at any rate is nearly 300, and the number of scholars are reckoned by many thousands. That has only been achieved by perseverance and ability, and it is a result at which the Government, not less than the Societies with which the managers are connected and the managers themselves, greatly rejoice. This is not the only colony in which I have witnessed the schools of many of the Societies with which the managers of the schools in Ceylon are connected. In other colonies I have witnessed like schools, and I have found that where the schools are managed and superintended—carefully superintended—by managers, that those schools are generally most successful; more successful than schools with only enjoy a casual supervision by an inspector of schools. And the object of the present code, as the Lieutenant-Governor has said, is by no means whatever to interfere with the proper and efficient working of the grant-in-aid system. It is to regulate the working of that system and to prevent unnecessary expenditure in establishing schools where there are already educational facilities and to prevent the competition of schools with schools. It is to prevent the establishment of small and feeble schools, which I may say without fear of contradiction and from experience gathered in many colonies necessarily employ inefficient teachers. Large well attended schools require and will have efficient teachers; small and feeble schools with very sparse, irregular attendances, will never have superior teachers, because such schools can never hope to earn a good grant. It is in the interest of the

children themselves; it is in the interest of the parents of children attending the schools, that the Government have brought forward the regulations of this code, which are designed to give the children an education worth having. The hon. member who represents the Sinhalese community has drawn a very dark picture of the education given in the vernacular schools. I hope the picture is overdrawn, but I feel sure that the best way which can be devised for preventing such a state of things is to raise the efficiency of our teachers, to make our teaching efficient, and our teachers will not become efficient unless they have the encouragement which only a large school can give. They must have salaries which only large schools will allow the managers to pay. They must for their encouragement have a number of intelligent children under their care and carry out that sort of combined education which has been found most efficient of any education possible. I know this cannot be carried out in villages, but it can be carried out in districts where now the evils of small and feeble schools have been pointed out. This system of larger schools with efficient teachers, raising the standard of education and raising the whole educational atmosphere—if I may so speak—can be carried out in Colombo, Jaffna, Kandy and many other populous places. There are plenty of places where it can be carried out, and further I would say that although eleven years ago when the system began we were content with a very small attendance, as already pointed out, yet we do well to raise the attendance wherever possible, not to a prohibitory point, as no one can say it is prohibitory, but to raise it higher than at present. I need hardly say that since 1869 we have the advantage of a great practical experiment in the city of London, which may be well looked upon as a specimen of the effect of schools generally. There it has been shown that education is given much better in large schools than in small schools. That large experiment has decided the question as to large or small schools for towns, but while we desire to have large schools we recognise the fact that we cannot have them everywhere; and in class C schools we have put the daily attendance at 15 and 10. I would put it to any hon. member whether any school in which there is not an average of attendance of at least 15 can be carried on successfully or even satisfactorily. It is impossible to get a master to teach an average of less than 15 boys, most of whom will probably attend irregularly and of whom very few will pass in any high standard. I desire to repeat what I said before, that this code is brought forward in no spirit whatever of opposition to or forgetfulness of the managers who have worked so success-fully the grant in-aid system. It is brought forward in a spirit of aiding them in carrying out the work and the Government in desiring to regulate the number of their schools and attendance and to carry into effect the regulations carried out in England and most of our colonies, are I believe, strengthening their hands; and I venture to say that by this code we are giving a great impetus to the higher education not given before. I need hardly point to the large increase in our estimates to show that there is no desire on our part to restrict, but rather to extend education throughout the whole length and breadth of the island.

The Hon. P. RAMANATHAN: Before Your Excellency puts the amendment to the vote—I have just received a telegram from Jaffna which necessitates my saying something about the question of frauds.

HIS EXCELLENCY: I am afraid that as the hon. member has already spoken, he cannot make further remarks upon the question.

The vote of the Council upon the amendment was then taken as follows:—

Ayes:	*Noes.*
Hon. P. RāmaNāthan	Hon. J. P. Obeyesekera
Hon. F. M. Mackwood	,, J. VanLangenberg
	,, the Collector of Customs
	,, the Surveyor General
	,, the Govt Agent W. P.
	,, the Treasurer
	,, the Auditor General
	,, the Queen's Advocate
	Hon. the Lieut Governor
	His Excellency the Governor

LOAN BOARD BALANCES.

The QUEEN'S ADVOCATE moved the third reading of the following Bill:—

An Ordinance to provide for the further appropriation of certain unclaimed balances from the funds of the Loan Board.

The Hon. the TREASURER seconded, and the bill was passed.

FURTHER TOLLS.

The LIEUT.-GOVERNOR moved the third reading of the following Bill:—

An Ordinance to establish Further Tolls and to discontinue certain Tolls.

The Hon the AUDITOR-GENERAL seconded, and the bill was passed.

SUPPLEMENTARY SUPPLY BILL.

The Hon. the LIEUT.-GOVERNOR proposed to recommit the Supplementary Supply Bill, in order to add two items to which he felt sure the Council would raise no objection. One was an item to pay the passage to England of the widow of an officer of the P. W. D. who had been long in the service and recently died, leaving behind his wife and six children, unable to pay their passage home. It was a case which had been strongly recommended, after due enquiry. The passage money would amount to R1,505. He would also like to add R700 to relieve a distressed planter and his family. There had been a good deal said at one time about distressed planters, but this was the only case which had come under the notice of Government excepting one case now under investigation. This case had been before the committee of the Planters' Association and a report had been sent in by it and by the Government Agent. They were entirely penniless and the Government proposed to give them a second-class passage to England. The total amount he would like to add to the bill was R2,205, under the head of miscellaneous.

The Hon. J. VAN LANGENBERG enquired if the Government were satisfied that the fullest investigation had been made as to the need for the grants, and if the circumstances were exceptional.

The Hon. the LIEUT.-GOVERNOR said they were exceptional circumstances. He then moved the third reading of the Bill:—

An Ordinance for making provision for the Supplementary Contingent Charges for the year 1880.

The Hon. the AUDITOR-GENERAL seconded and the bill was passed.

A COMMISSIONER OF ASSIZE.

The QUEEN'S ADVOCATE brought up the report of the law officers, and moved the third reading of the following Bill:—

An Ordinance to provide for the appointment of a Commissioner to hold Criminal Sessions of the Supreme Court.

The Hon. the LIEUT.-GOVERNOR seconded and the bill was passed.

The Hon. the LIEUT.-GOVERNOR: There are a number of hon. members who have given notices of motions for the next meeting of Council, and there is also an important bill to pass through committee, and I hope it will be convenient to meet at 2 o'clock on Wednesday.

This was agreed to, and the Council adjourned at 5.40.

WEDNESDAY, DECEMBER 8.

Present: His Excellency the Governor, the Hons. the Lieut.-Governor, the Major-General, the Queen's Advocate, the Auditor-General, the Treasurer, the Government Agent, W. P., the Surveyor General, the Principal Collector of Customs, J. Van Langenberg, J. P. Obeyesekera, R. B. Downall, F. M. Mackwood, and H. Bois.

Absent: The Hons. the Govt. Agent, C. P., and P. Rāma Nāthan.

THE ASSENT OF H. E. THE GOVERNOR

to the following Ordinances was announced by the Hon. the Lieut.-Governor:—

Ordinance No. 13 of 1880:

An Ordinance for making provision for the Supplementary Contingent Charges for the year 1880.

Ordinance No. 14 of 1880:

An Ordinance to provide for the further appropriation of certain unclaimed balances from the funds of the Loan Board.

Ordinance No. 15 of 1880:

An Ordinance to establish further tolls and to discontinue certain tolls.

Ordinance No. 16 of 1880:

An Ordinance to provide for the appointment of a Commissioner to hold Criminal Sessions of the Supreme Court.

THE EXPLOSIVES BILL.

The Hon. the LIEUT.-GOVERNOR: I will take this opportunity of informing the Council that it has been decided not to proceed during this session with the bill for regulating explosives. The Wharf and Warehouse Company proposed and the Chamber of Commerce have approved of considerable extension in the scope of the ordinance. I have also been informed that certain objections to the ordinance are on the way from England from the Dynamite Company, and we have thought it better to postpone the ordinance till next session, as there is hardly time to consider these objections this session.

PAPERS.

The Hon. the LIEUT.-GOVERNOR: I lay on the table Mr. Parker's General Report on Irrigation in the Mannar district; and Report of the Commission appointed to secure the representation of Ceylon at the Sydney International Exhibition, 1880.

KILLING GAME WITHOUT A LICENSE.

The Hon. R. B. DOWNALL rose

To call attention to the returns laid on the table referring to the prosecutions and convictions under Ordinance No. 6 of 1872, and to move that it is desirable the provisions of the Ordinance should be more strictly enforced; that returns be submitted to this Council shewing the number of guns appearing as registered in each Kachcheri, and a statement of the number of shooting licenses issued under this Ordinance since it came into operation—(a) to Europeans; (b) to natives.

Also, that clause 5 of the Ordinance be amended by the omission of the words "out of the division of the Korale Vidane Arachchi or Udaiyar, in which he resides."

He said that the object for bringing forward that motion he had explained pretty fully last year when he called for returns. The returns had now been laid upon the table, and he found that since the ordinance came into operation 177 cases had been instituted, 91 of which had been acquitted for want of evidence, parties being absent, or by order of His Excellency. The question was whether the food of the people was to be preserved or not. There could be no doubt that the ordinance had been to a great extent inoperative, which the returns given distinctly showed. He ought perhaps to have asked for an explanation as to how many licenses had been taken out by Europeans and how many by natives. But in the meantime he would suggest that if the ordinance were to be worked satisfactorily some steps should be taken by the Government for its being properly enforced. He would suggest that circulars should be sent to the headmen ordering them to see to the ordinance being properly observed. One idea which had struck him was that everybody who carried a gun for sporting purposes should have a license to do so, but there would perhaps be some difficulty as to what should be considered sporting purposes. But acting on the suggestion of experienced civil servants he would propose that in clause 5 of the ordinance the words "out of the division of the Korale Vidane Arachchi or Udaiyar, in which he resides" be omitted, which would leave it: "No person shall kill game without taking out an annual license empowering him to do so," &c. There appeared to be some doubt as to the meaning of the words, which he proposed to omit, whether it referred to three persons or two persons. If it meant the Korale Vidahn Arachchi of the division, he (Mr. D.) would point to an instance at Hambantota, where he might shoot over land 91 miles in length. That was not the intention of the ordinance, as it was meant to confine the power to the district in which the men resided. If the amendment were made, then that doubt would be done away with. Then as regarded the close season: there was no doubt that it had not been observed, and those civil servants who had travelled and were well acquainted with the matter had assured him that the slaughter of game went on as much in the close season as in the open season and that licenses were not taken out by natives, and that was his (Mr. D's) experience too. As regarded one district, he thought that some mistake had been made in repealing the ordinance as it affected the Central Province, because if it were allowed to remain as at present a man might shoot even down close on the borders of Hambantota and Patticaloa; it was necessary that only in certain districts of the province the ordinance should be repealed, where damage was done by samber and other deer on the cinchona estates. He could easily mention the districts, and he was of opinion that if the ordinance had to be worked at all it would never do to repeal it in the whole of the Central Province; he believed this to be the opinion of the Government Agent also. The same practices were carried on now as before the ordinance was introduced. Large parties of Moormen in the low-country went about and killed large numbers of game during the dry season when the game ought to be protected. Sometimes a gang of men would kill as many as five or six deer in one night, and salt the meat and carry it away and sell it. As to buffaloes, he thought the time had arrived when no licenses should be allowed for their destruction. When he was last shooting in the low-country he came across people catching buffaloes, and it really formed a great source of their livelihood. They got them and tamed them and sold them for R40 or R50 each; the buffaloes thus proving a great assistance not only as a source of wealth, but they were also a great advantage in that they improved the breed of the tame buffaloes, which was much to be desired. There were very few really wild buffaloes, and those were very fine animals which would soon be extinct if the shooting were allowed as at present. He had received a letter last March from the Assistant Agent now at Hambantota, who said that the game would soon be extinct in the country if the ordinance were not enforced. He (Mr. D.) was on the Nilgiris when the discussion on the subject took place here, and he sent a copy of the ordinance to the Commissioner there. Now they had introduced it in the Nilgiris and made every one send his gun to the Kachcheri during the close season; the result was that deer had increased on the hills, and were now very much more plentiful than in years past. He did not recommend such a strict law here, but he thought that if the law were altered as proposed and instructions given to the headmen, good results would follow. The ordinance now acted in the case of Europeans, who had often to pay heavy licenses, while the natives ignored it.

The Hon. J. VAN LANGENBERG seconded.

The Hon. the LIEUT.-GOVERNOR: The main object of the ordinance, I believe,—indeed I am sure, because I was on the sub-committee—was to put an end to the abuse of gangs of Moormen going into a district with which they had nothing to do, and shooting the game which really belonged, more or less, as a right to the people of that district. There was no intention whatever to interfere with people shooting game in their own district for the purposes of food; in fact Sir William Gregory, in speaking of the ordinance, said:

I trust that a strict observance of the close season, the prohibition of driving except by the inhabitants of the district, who may be looked on as owners of the game,

That that would do something towards preserving the food of the people within the district to which they belonged. And in the report of the sub-committee I find that they proposed that that district should be confined within the limits of the sub-division of a Korâla, of a Vidane Arachchi or Udaiyar. There is, however, in the ordinance as printed, a misprint, which speaks of the division of the Koralé-Vidane Arachchi or Udaiyar. A korale is a division of a chief headman or mudaliyar, not the sub-division of a Korâla as was intended. I don't know whether that misprint appears in the original ordinance, but the point has never been raised before. Of course the intention of clause 5 was to except the sub-division of a Korâla of a Vidane Arachchi or Udaiyar. It is a point which has entirely taken me by surprise, and I should first of all like to consult the original ordinance, which is in the Supreme Court, to see whether this is a misprint. We shall not be prepared to go beyond the recommendation of the sub-committee; that is to say, we shall not be prepared to take from the people of a sub-division of a chief headman's division the right to shoot within that sub-division. If this misprint has to a certain extent nullified the operation of the ordinance, that will be put an end to. The real question for Government to consider is how to enforce the provisions of this ordinance in such a manner as not to interfere with the convenience, and rights of the native. That the close season can be enforced in an inconvenient manner was shown the other day when at the instance of the planters we had to abolish the close season on account of the depredations by elk on the cinchona plantations, here we found the remedy worse than the state of things before. We had to abolish the close season within the Central Province, and I can hardly see how we can apply such an abolition to only a portion of the province. If the hon. member will be satisfied with the assurance that we will refer to the Government Agents as to the manner in which the provisions of the ordinance can be carried out without harassing the people, we will consider the point during the recess and state what can be done next session. It is not a thing which can be hastily done, because we undoubtedly may cause great inconvenience by hasty legislation on the subject. It is impossible to legislate now, and therefore nothing can be done till next session. I do not think we can interfere with natives killing game for their own food within their own districts. The real difficulty is the parties of Moormen going into the districts and killing for export and sale the food which properly belongs to the people of those districts. That is really the question we shall have to consider during the recess.

The Hon. R. B. DOWNALL was glad to hear that the Colonial Secretary so entirely agreed with him. His (Mr. D.'s) only object was to get the ordinance carried out better than it was at present. He had no wish to harass the native, his object being rather to preserve the food of the native. He wanted to provide that the native should be able to kill game in his own district, but not out of his district. As to the close season, his experience was that of many others, that no close season was observed. All that he wished was that the object of the ordinance should not be lost sight of, and that the killing of game should be confined to the proper season and district over which any native could kill game, and that not without a license. He should be glad if enquiries could be made from the Government Agent as to enforcing the ordinance in some districts of the Central Province, and also as to the general working of the ordinance from all the Government Agents. He also hoped that the killing of buffaloes would be considered.

SPECIAL GRANTS OF LAND.

The Hon. R. B. DOWNALL then rose

To call attention to the returns referring to special grants of land, which have been laid on the table, and to move that it is expedient the Government should frame regulations regarding the terms upon which special grants of land may be obtained; that these regulations be published in the *Government Gazette* for general information; and that no special grants whatever be made except on such terms unless with the sanction of this Council.

He observed, that, having received the return he had asked for, he wished to make a few remarks with regard to the grants In answering his motion for that return the Hon. the Colonial Secretary said that no free grant had been made whatever, but on referring to the return he (Mr. D.) found that a free grant of 100 acres was to be made with certain powers to take up 300 acres more at upset price, this to Mr. Thomas, and to Messrs. Bisset and Macartney 100 acres free and 2,000 acres more at R10 an acre. His attention had also been drawn to a letter of the Hon. the Colonial Secretary, of the 12th April 1880, in which it stated that the right to remove timber from land actually brought under cultivation in the Central and Eastern Provinces had been waived, so that on all the land granted the timber could be removed if the land were cultivated. That should be carefully considered, because in many cases the timber was of great value and the expense of clearing land obtained on easy terms was defrayed by the sale of the timber on it, and which should belong to Government and not to the pioneer. Under the different special grants he did not see anything particular to remark upon the first few except that the Jaffna and Batticaloa Company appeared to have paid very fully, he thought, for opening and for paddy cultivation, for which every facility should have been given. The money received for timber might perhaps re-imburse that to some extent, but no great favour was made there. But when he came to the grant made to Mr. Thomas in the Badulla district, that was a very different matter altogether. There was a grant made to a gentleman and what claim he had for such a grant the hon. speaker failed to find out. He (Mr. Thomas) got 100 acres in a lot which had been much sought after before, for experimental cinchona cultivation. An experiment had been made in the same district *and on an Estate in which Mr. Thomas himself was interested* several years ago, the result of which was some of the finest cinchona they could wish to see. That 100 acres of land so granted was very close to an estate where a constituent of Mr. Thomas's had previously made an application, and which was not allowed. An application for land on easy terms (not free) had also been made, in order to introduce the best kind of cinchona, ledgeriana, into that particular district. That grant was not agreed to, but Mr. Thomas got one. That land had been surveyed, and application had been constantly made to Government for it, but it had always been refused on two or three grounds. One was that the railway would pass through it, and also that the natives had petitioned against it and land adjoining and also surveyed being sold. It might have been in His Excellency's time—if not it was certainly in his predecessor's time—that the sale of the land was refused. He saw no special reason for such a grant nor why a further block at upset price should be given in that district where it would have fetched a high figure. As to the next grant of 100 acres in

Matale on April, 15, 1880, that was also for the purpose experimental cultivation of cacao and Liberian coffee." He might mention that within two miles of that land Liberian coffee had been growing for at least two years, and cacao for at least a year. So that experiments had been tried on land purchased in the usual way and that entirely by private enterprise. There, again, he had been unable to discover any reason for the special grant. He might also add that of the 100 acres already granted 70 acres were originally applied for in the usual way by a resident of Matale. The application was made two years before the grant was given, and the gentleman to whom the grant was made represented to the applicant that it was of no use to go on with his application. He (Mr. Downall) believed that in neither case had the Government Agent recommended the grant, and he could not see any reason why in those instances exceptional grants should be given when the experiments for which they were given had already been tried, and in the latter case within two miles of the block of land now granted. He was speaking quite under correction, but he was not aware what authority there might be in any despatch or particular minute by which the Government could dispose of land by special grants. He saw in the book published by Mr. Dickman, the *Civil Service Manual*, "that the management of waste lands has been conceded to the local Legislatures and Governments." He thought that if any special despatch had been sent to His Excellency, authorising him to dispose of land in other than the usual way, such despatch should be laid upon the table so that they might see it. If there was no such despatch, he questioned the right of Government to alienate any land from the Crown without first obtaining the consent of the Council any more than in the case of money votes. The two cases he had particularly referred to were both of 100 acres, one granted free, while he certainly understood from the Hon. the Colonial Secretary that no free grant had been made. He thought that, if communications had been made to Government which were not correct in connection with those two cases mentioned, the Government should not be bound to carry out the grant; and with regard to the future, if such grants were to be given he thought it would be advisable for the Council to agree to the motion "that these regulations be published in the *Government Gazette* for general information; and that no special grants whatever be made except on such terms, unless with the sanction of this Council."

The Hon. F. M. MACKWOOD: I beg, sir, to second the motion of the hon. the planting member. From personal experience I can speak of one of the grants referred to, the one in North Matale, and I am able to make it a very much stronger case than represented by the hon. the planting member. He stated that the Liberian coffee had been growing two years and the cacao for one year. It is now over four years ago since the real pioneers of that district, Messrs. King and Ross, commenced with Liberian coffee. And every tree which they put in over four years ago cost them on arrival in Ceylon more than £1 sterling per tree. Cacao has been cultivated there certainly for two years, and this on land bought at public sale at considerably over the upset price. I believe that in the case in question the land granted free would have fetched at public sale, if there had been any competition, four or five fold the upset price. This Liberian coffee is, in a line as the crow flies, within two or three miles of the granted land in question. And the worst part of it is that farther out, beyond the land granted, a block has been purchased in the ordinary way and felled and planted with Liberian coffee. I should think the Government have a right to withdraw the grant they have made, if the facts as stated are found to be correct. There is a sort of public opinion in this colony, althou h some persons may choose to ignore it or consider it of less weight than it is, and the public opinion in this colony would not have questioned either of the grants of land had they been made to gentlemen who from long residence or services in this country had, as it were, a right to consideration at the hands of Government. And it was with this feeling that I particularly supported the hon. the planting member in the first motion on this question as to whether Government ever did make such grants. I can readily understand the difficulty involved in granting them, as it would never do to say to one man, "You are meritorious;" and to another. "You are not meritorious." But, in the public opinion of the country, there are men in our midst quite deserving of such consideration at the hands of Government, and in both these cases —in one I can speak to the facts—such right or privilege does not exist.

The Hon. H. BOIS bore out the remarks of the hon. the planting member as regarded one of the grants (Mr. Thomas's). He believed that no one was more surprised than Mr. Thomas's own agents when the grant was made, as the cultivation of cinchona in the circumstances indicated had long passed the experimental stage. As a general principle it was very desirable that some regulations should be made for such grants. If they were published in the *Gazette* or brought before the Council it would give the public an opportunity of bringing to the notice of the Government, certain facts which it might not otherwise be aware of. He thought the motion was deserving of support, and he should have much pleasure in supporting it.

The Hon. J. VAN LANGENBERG concurred that it was desirable that there should be certain regulations regarding the terms upon which special grants of lands were to be made. As regarded the sale of Government land, that was regulated under the Governor's minute of 1st August 1861. The terms had been made public, and anybody desirous of purchasing Government land could easily become acquainted with those terms. While he conceded that the greatest facility should be granted for the introduction of new products into the island, still he thought that unless there were very strong and exceptional circumstances there should be no reason at all for a grant of land free. They had two instances there in the return which had been published, and according to that return two grants of land were made to persons who really had no claim whatever; simply for the purpose of trying experiments in certain products, while it was a fact which should have been known to Government that the so-called experiments had long before been tried by private individuals at their own expense. Indeed, a very important question had been raised by the hon. the planting member whether the Government had the right to dispose of Government land in that way. Circumstances might arise—and there was a particular provision under the minute he had referred to—for officers of Government obtaining a remission of the value of the land, but in the cases referred to there was no ground whatever for a free grant. Where in the interests of natives application was made for an extensive grant of land at Batticaloa certain terms were proposed and the company were made to pay certain sums of money, while the object was to cultivate land for the benefit of the people of the colony. No one might take exception to those terms, as the Company gave what was thought to be an equivalent, but here there was no equivalent. They simply asked for a grant of land and it was given to them, upon the flimsy ground of certain experiments being made. In point of fact there were no experiments. They were grants of land of 100 acres, each given without any reason whatever. He thought the motion was a very reasonable one, and any parties equally desirous with Mr. Tucker that grants should be made to them should be made acquainted with the terms under which the Government would encourage new products. All should be able to come into the field and all

should know how far the Government was prepared to encourage them. Those grants seemed to be "a hole-and-corner" business. No information was given to the public till called for in Council, and no intimation was given to the public that the Government was prepared to encourage the introduction of foreign products by giving grants of land. He thought it was nothing but right that they should enter their protest against such alienation, and that was the object of that motion. What had been done it would be perhaps difficult to remedy, but the object of the motion was that everybody in future should have equal advantages.

The Hon. the LIEUT.-GOVERNOR: I would correct first of all a mis-apprehension which the hon. the planting member has fallen into that a free grant has been made to Mr. Tucker at all. He has merely got the right to buy land at the upset price and pay for it in instalments. The free grant was to Mr. Macartney, who was the first person to go into the Trincomalie jungle where there were no living creatures excepting wild beasts, and who was promised if this experiment succeeded that his first settlement should be made over to him. That is of course a very different thing to the grant of land to Mr. Tucker. As regards grants generally, I would remind hon. members that at the time when these were made there was a very considerable depression in the coffee planting interest here and people's attention was very largely directed to the new products, and the object of these grants was to encourage the people to take up new districts and new products to which attention had not been directed before, giving them reasonable facilities for doing so in the way of postponing payment and giving certain pieces of land for experiment. As regards Mr. Thomas's case, I am bound to take over the responsibility of his case myself, for I advised that that grant should be made to him. Mr. Thomas stated distinctly to me that the cultivation of cinchona on patanas was an untried experiment, and which he thought Government would do well to encourage in making, and having that assurance from a gentleman many years a resident here, and formerly a member of this Council, I certainly advised the Government to make the grant to him which has been made. I have heard it stated that this land had been previously applied for. I have enquired about it and am assured that is not the case. I am speaking on information from the Kandy Kachcheri, and am assured that the land applied for was forest land up the Ohiya valley. This land is lower down on the north-west point of Idulgashena Gap. The case of Mr. Tucker is a different one. The application which was made by Mr. Tucker was for taking land which had been chenaed and was, therefore, to some extent valueless for cultivation. I believe it is not the case that this land had been applied for. It is quite true a gentleman had intended to apply for it, and he has come in to say that what he intended to apply for was not land at the 28th mile-post, but at the 29th mile post. If a gentleman applies for land at the 28th mile-post, and means land at the 29th, the people at the Kachcheri cannot be responsible for it. For Mr. Tucker's case two enquiries were made at the Kachcheri by us to know if there was any objection, and the replies were that there was none. Of course, the experiment in this case is for cultivation in lands chenaed and not forest, and for that purpose the Government are prepared to give some little encouragement. It has turned out, I believe, that part of the land so applied for is not chenaed, but then of course in that case Mr. Tucker will only get what he applied for. If on the tract he has applied for there is any forest land that of course will be excluded from any grant given him. He has applied for *chenaed* land and, only that can be given to him. As regard regulations for such grants as these, it would be very difficult, because the rules under which they can be given must vary according to the different cases. For instance in the Batticaloa Company's case they made a very large sum by the sale of the timber on the land, while in the case of the land which has been granted to Messrs. Macartney and Karslake, I have been over the land myself and can say there is no valuable timber. Therefore a rule in the one case would be a mere impediment in the other and would have no object. I think there will be no object in making such rules, because I am prepared to say on behalf of Government that the object in view in making such grants as those to Messrs. Bisset, Karslake, and others has been fully met, and we have determined not to make such grants in future. We are not prepared to make further grants of the same sort, especially as they have been the subject of some opposition. If the hon. member will be satisfied with that assurance that we do not intend to make any such grants in future, I think that will meet the object he has in view. The railway trace runs through a portion of the land given to Mr. Thomas, and as to the case of Mr. Tucker I suppose it is a distinctly understood thing that he only gets chena land.

The Hon. R. B DOWNALL said that the statement made by the Colonial Secretary regarding Mr. Macartney's land made the grant to Mr. Thomas all the worse, and he maintained that as the grant to Mr. Thomas had been made through the misrepresentation of facts it should be withdrawn. As regarded the mistake concerning the mile posts made by the gentleman who applied for the land granted to Mr. Tucker, he acknowledged his mistake, but pointed out his application to the headman, and the headman was prepared to state that before the Government Agent at Kandy if needed, so that he (Mr. D.) failed to see any reason for giving Mr Tucker such a grant within a short distance of that applied for. Within a short distance of where land had been granted for experimenting in new products were acres and acres growing for years before. He thought it advisable that the motion as it stood should be put to the Council, and whether the Government had been misinformed or not, or could withdraw that promise of special grant in the case referred to, at all events that resolution should be put to the Council, and certainly such grants should not be made in the future, and in any grants in future the terms upon which they were made should be advertised for the information of the public. The Colonial Secretary had somewhat misapprehended his motion. He did not object to grants of land being made, but he wanted that publicity should be given to the terms on which such grants would be made. Had the chena land granted to Mr. Tucker been put up in the open market it would have fetched far over the upset price, and had it been known that the land would have been granted on such terms several would have put in claim for such favors, and probably far stronger claims than Mr. Tucker could show. With regard to the land granted *free* to Mr. Thomas it did form part of the Ohiya Valley, and the railway trace *did* pass through it. On this point he would refer to the hon. the Surveyor-General, so it was *not* situated as the hon. the Colonial Secretary had been led to suppose. With regard to Mr. Tucker he (Mr. D.) supposed that it was clearly understood he would only get chena land. (The hon. the Colonial Secretary: certainly.) He would like the sense of the Council on his motion.

H. E. the GOVERNOR: I should be very glad indeed to agree with the motion if it were in my power to do so, but I do not see that in the absence of any law or ordinance I could agree to the motion respecting grants of land. I shall have no objection whatever to furnish the returns called for by the hon. member respecting future special grants, but I am distinctly adverse to making such special grants of land except under very exceptional circumstances. Whether those circumstances arise in any case the Government must judge to the best of its

power. I do not think we can lay down any rules upon which such grants may be obtained as asked for in the motion of the hon. member. Every grant must stand on its own merit. In these cases I have followed the example of my predecessor, who, for instance, when the Tissamaharama tank was repaired proposed to make special grants of land near it. I think each special grant, being an exceptional case, must be judged on its own merits. I am not prepared, therefore, to accede to this motion, suggesting regulations which would recognise special grants. If the Secretary of State is willing to allow it, I shall have no objection to legalize by law the ordinary terms upon which land shall be granted, but I cannot accede to the motion which requires the Government to frame regulations regarding the terms upon which such grants can be obtained; such grants must be treated specially, and not by regulation.

The Hon. J. P. OBEYESEKERA said that if the hon. the planting member intended to divide the Council on the question it would be his (Mr. O.'s) duty to state his reasons for the vote he should give. He was sorry to say that he should not, according to the wording of the motion, be able to give his support to the mover of it. It had been distinctly explained to the Council by the Hon. the Lieut.-Governor, as well as by His Excellency, that it would be next to impossible to draw up rules which would be of uniform application to all grants of land. The lands were of different kinds: some were thickly studded with timber, some were jungle with little or no timber at all on them and others again were only chena lands of no use except for the cultivation of dry grain. Under such circumstances he thought it would be impossible for the Government to draw up rules of universal application to all the lands in the Island. Under those circumstances he thought it would be better for the planting member to be satisfied with the assurance given by His Excellency and the Hon. the Lieut.-Governor that in future no grants would be made of the kind already made, and that each grant would have to be governed by the circumstances of the land to be granted. For these reasons he was sorry to say that if the Council were pressed to a division he should have to vote against the motion.

The Hon. R. B. DOWNALL remarked that as His Excellency thought there would be some difficulty in preparing rules as asked for, might he ask if in the event of his withdrawing the motion His Excellency would be prepared to publish the terms in the *Gazette* before any special grants were made, and the terms upon which the Government were prepared to make them?

The Hon. the LIEUT. GOVERNOR: I presume it would be only in cases where Government are inclined to accede to the application?

The Hon. R. B. DOWNALL: Yes.

H. E. the GOVERNOR: I want to give every publicity to it, and the question is whether it should be given after the grant or before.

The Hon. R. B. DOWNALL wished that when an application was made to the Government which it was inclined to grant, the terms upon which it was prepared to make the grant should be published in the *Gazette*.

H. E. the GOVERNOR: I will undertake this: that when the Government receives an application which they propose to accede to, the terms upon which it is to be granted shall be notified to the public before the grant is made. I have not the least objection to undertake that; the Government do not want to keep any grant a secret.

The Hon. R. B. DOWNALL: On that promise, I shall be prepared to withdraw my motion.

THE PEARL FISHERY.

The Hon. H. BOIS said the motion he had given notice of was as follows:—

To call attention to the report of the Government Agent of the Northern Province upon the Pearl Fishery of 1880, and to ask what arrangements Government propose to make in view of the larger fishery anticipated in 1881; and to move for papers.

In reading the report of the Government Agent, N. P., on the Pearl Fishery of 1880, he had been struck with the fact that although the fishery was advertised to commence on the 1st March and actually terminated on the 5th May, a period extending over 66 days, or, allowing for Sundays, 58 working days, the actual number of working days on which there was fishing was 33 only, and those were estimated to be only equivalent to 29 full working days. It therefore appeared that, owing to adverse winds preventing the boats going out in the morning or returning in the evening, really only 50 per cent of the period was available for fishing purposes. It seemed that, if facilities had been provided for taking the boats to the banks and bringing them back, instead of realizing R230,000 they might possibly have realized R400,000. It was not that they were now working under very different circumstances from those which obtained 20 years ago, because he found that in nine fisheries which had taken place during 25 years the average number of days fishing was 29½, the smallest number being in 1860, when the fishery was only equal to 14 days, and the largest number (in 1859) when 55 days fishing were obtained, so that really there was a larger number of days fishing now than in 20 years ago. But he contended that they ought to improve upon the system of 20 years ago, and his object in bringing the matter before the Government was to see if some method could not be arrived at by which they might improve the facilities for fishing the oysters. In the early days of the English occupation he believed the pearl fishery was farmed, and he found that the terms of the contract with the renter were that he should be allowed to fish 150 boats for 30 days, or 4,500 boatloads, and taking the boats for 30 days, or 4,500 boatloads, and taking the average at 12,000 oysters per boat load (the average of last fishery's loads) that would give them 60 millions instead of the 30 millions fished last year. It was probable that the renter got all he could from the banks, in which case he would have fished 4,500 boatloads instead of the 2,660 boat loads obtained by the Government in 1880. The points on which he should like to ask for information were chiefly these: first, whether it would be possible to have the sale held here? There might be a difficulty in bringing the oysters here to wash, and there might also be a sanitary objection to bringing them here, but would it not be possible to have the sale held here?

The Hon. R. B. DOWNALL, in seconding the motion, said that the point appeared to be whether the Go-

vernment were prepared to take proper steps to collect the pearls thrown at their feet. Surely if a larger number of oysters could be collected the Government should be quite willing to collect them and to provide the expense for doing so. He could hardly fancy that every effort would not be taken by the Government, even at an increased cost of fishing, in order to collect all the oysters available. From what he had read it might be considered that the fishery of 1881 would be the best theyhad had for many years. It seemed there had for a long time been a question as to a steam tug. Means should be taken to increase the fishery by having a larger number of boats and a steam tug. So long ago as 1799 it had been considered that the pearl fishery should last for 30 days with 150 boats, and he was surprised to hear there was such a small number now employed. Surely more than the number of boats employed in 1799 should be employed in 1881, and if necessary to have a steam tug he thought the Government should expend the extra amount required so as to secure the full harvest which might be expected. As to the question of selling oysters in Colombo, that was a very valuable suggestion. Numbers of the natives would compete here who would never think of going to the fishery. The oysters might be sold by sample, not necessarily in bulk, in Colombo.

The Hon. the TREASURER remarked that he had had some experience in conducting the pearl fishery, and he had always found the Government had given the superintendent every possible help in order to insure the procuring of the fullest amount from the fishery. The hon. member who had introduced the motion had said very rightly that the coming fishery should commence as early as possible in February. Hitherto the fishery had been delayed till the early part of March, and then they fished on into April and sometimes till May, when they got bad weather. By advertising the coming fishery for the first week in February and making every effort to secure the boats they should then have an opportunity of getting all the oysters ready to be fished. That would depend, of course, upon whether they could get a sufficient numberof divers. The divers in the olden time were a numerous class, but after the fisheries ceased in 1835 there was a lapse of 13 years without a fishery and the occupation of the divers was gone; the consequence was that when they commenced in 1855 they had to learn their work again. The fisheries went on till 1862, and the number of divers kept up, but since that time the fisheries had almost lapsed, and the consequence was that the divers had found other occupations. Then, too, the remuneration had not been so good as it used to be. The quantities of oysters had been so large that it reduced the price and when the Government got a low price the divers got lower remuneration. Now the Government had agreed to give the divers a larger share, which he thought they really deserved, and he was hopeful that would induce a larger number of divers to come from India next year. As regarded the advertising of the fishery, every possible notification was given. It was sent throughout India to the Governments of the different presidencies with the request that they would notify it to the people, especially on the sea coast. From his experience of the use of steamers and steam launches on the banks, he found they were of most essential use at inspection, of no, or very little, use in taking boats out. It was mentioned in Mr. Twynam's report that he (Mr. T.) tried the steam launch and it took the launch three hours to tow 15 boats out five miles. They must at that rate have seven or eight launches, and if the Government obtained so many as that he was afraid tat after paying for them there would very little profit left, especially in selling oysters at R7 per 1,000. As regarded the sale of oysters in Colombo, he trusted that the hon. members who advocated it would remain in Colombo and be present at the washing of the oysters and that they would thoroughly enjoy the consequences. (A laugh.) The oysters could not well be removed without the pearls falling out, and there was no knowing what the consequence would be if the rotten oysters were brought up here. At Silavatturai they were placed in a position so that the wind would carry the stench southward and to parts uninhabited, and only those occupied in the washing of the decayed oysters felt the consequences.

The Hon. the LIEUT.-GOVERNOR: I lay on the table the report of the Master Attendant, which was only received yesterday, on his return from inspection of the pearl banks, and I may say that all the recommendations in that report are being carried out. It will be seen that Captain Donnan proposes that the fishing shall commence on 20th February. I do not know what reason there may be against the fishery beginning earlier, but I will undertake to consult Capt. Donnan as to whether it is advisable to advertise it earlier and we shall be guided by what Mr. Twynam and Capt. Donnan as to that point. We leave arrangements about pearl fisheries very much to those officers and when we are in doubt we refer to the Hon. the Treasurer. As regards the number of boats last year, we have done a great deal in that direction by increasing the share of the divers. That gives great inducement to the divers to come, and I hope that we shall have a very much larger number of boats next year. One reason last year undoubtedly was that the sample washed was very young and the dealers knew that the pearls would be of less value than in other years. Now we know that the pearls are very much more valuable than last year, and that with the additional share to the divers there will be a very great inducement to the divers and boats to come. As regards sending a steam tug, I have consulted Capt. Donnan, and find that both he and the Government Agent, N. P., are of opinion that it is not advisable to have a tug. I believe they consider that if we had a tug of our own which we could send, we ought to do so, but that it is certainly not worth sending for one to Bombay or some other port on the chance of its being used in the fishery. The same question was considered two years ago, and it was decided then that it was not worth while having a tug. As regards selling the oysters in Colombo I should deprecate the bringing to Colombo of 30 millions of rotten oysters. Nobody who has not been to the fishery knows what the stench is, and it would not do for us all to be summoned for creating a nuisance and have the oysters condemned and thrown into the sea. You cannot sell except on the spot. Natives flock there from all parts of India and Ceylon, and it is not difficult to break down a combination. A little firmness and determination soon breaks it down. They are always attempted and also broken down. I need hardly say that we are thoroughly alive to this branch of our revenue, and any suggestion which is made by those experienced officers who have dealt with the fishery for so many years is always favourably entertained by the Government.

The Hon. H Bois thanked the Government for the information afforded. If the fishery were advertised to commence in February instead of March the object of his motion would be attained to a great extent. As regarded the employment of a tug, after what had been quoted from Captain Donnan's report he felt that his (Captain Donnan's) opinion carried more weight than that of anyone else and his views must be accepted as final. He (Mr. B.) had never suggested that the oysters should be brought here; all he suggested was to hold the sale at Colombo for delivery at Silavatturai. It was not an uncommon thing to sell produce at one place and deliver it at another. A great many people might be tempted to bid at an auction here, while they would not care to go to Silavatturai to do so.

REPORTS FROM THE HARBOUR WORKS.

The Hon. H. Bois moved

That an annual Statement of Expenditure on the Colombo Harbour Works be published in the Government *Gazette* for public information.

The motion was a very simple one and did not require many remarks. It appeared to him that in a work involving such a large expenditure as the Harbour Works and carried on by an organization only indirectly responsible to Government and not by contract, some publicity should be given to the accounts. So far as he could ascertain, the only check upon expenditure was that the accounts went through the office of the Auditor General. No doubt they were sufficiently audited, as far as accounts went, but he did not find that any efficient scientific Government officer, competent to criticise the accounts, was appointed to do so. He thought it would be interesting to the public if Mr. Kyle's monthly reports were made public. He was not aware of any difficulty in the way. He ventured to ask whether the monthly as well as annual reports might not be made public.

The Hon. J. VAN LANGENBERG seconded.

The Hon. the LIEUT.-GOVERNOR: There is no objection whatever to publishing the statement of the progress and expenditure on the Breakwater up to 31st June preceding the session. That has already been done this year and no doubt it is the most convenient time. The larger portion of the work is done between 1st October and 31st March, and therefore the most interesting information would be that up to 30th June. At the same time it will be easy to lay before Council the report of the Engineer on the progress of works during the preceding season. There will be an objection to publishing Mr. Kyle's monthly reports because though they are sent through the Government they are really made to his principal, Sir John Coode. The relations between the Government and the Breakwater staff are, it is well-known, peculiar, because we hold Sir John Coode responsible for the working of his staff; and these reports are made to guide Sir John Coode in his work in England, and are not meant for publication. They are really confidential documents. I think it will meet the views of the hon. member if we lay a report before Council at the beginning of each session and a statement of expenditure during the preceding year.

The Hon. H. Bois thanked the Government. He would like to mention that the Madras Government published a monthly report in connection with the Madras harbour works, and he really did not see that the relations that existed between Sir John Coode and the staff should prevent similar accounts being published here. In fact they formed an additional reason for it. It might be that Sir John Coode was responsible for the expenditure on the works, but this Colony had to pay for them. It seemed to him that the circumstances were not very dissimilar from those which attached to the original contract for the Kandy railway, when the colony suddenly woke up to the fact that it was committed to the payment of interest on an expenditure which had no limit and it was found desirable to bring the contract to a termination at once, though at considerable expense.

H. E. the GOVERNOR: I shall have no objection to order a set of monthly reports to be prepared, showing simply the progress of the work. I think that confidential reports made by the Resident Engineer to his chief are not matters meant for publication, but what the hon. member requires is simply a statement of the progress of the works, I understand. I have have no objection to that. There is no unlimited expenditure here. It has been distinctly limited to £3,000,000 by us over and over again.

The Hon. H. BOIS: Yes, the aggregate may be limited.

THE SPENDING OF SURPLUS REVENUES.

The Hon. R. B. DOWNALL rose

To move for a statement shewing how the funds voted under Ordinance No. 13 of 1879 have been expended.

He said he wished to know how that money had been expended. He presumed that some part of the first item of R350,000 had been spent. The second item he supposed had been partly spent for the ironwork of the bridge to be erected over the Kelani, and also for the new bridges over the Kalutara canal. Then they came to the important point of building new stations and rolling stock. The Hon. the Colonial Secretary in referring to those items last year said:—

Of course the principal thing is to get the stations built, and for that I would ask the Council to sanction the provision to-day.

On that day, the 13th November, the sanction of that Council was given in the ordinance No. 13 of 1879. Then the Colonial Secretary afterwards stated:—

I have been in consultation with the Traffic Manager of the railway, and he tells me that the stations will be of no practical use unless he has the rolling stock required. He estimates the cost at R55,000, and I propose to take a vote of R55,000 in committee.

Now they had arrived at the 8th December, more than a year since that question was discussed and the ordinance passed and he should like to know if the stations had been built which were absolutely necessary and also if the rolling stock had been provided, without which "the stations will be of no practical use." One fact he knew, that the trains were started, but to have the trains without the stations and not enough rolling stock was simply starting failure. He had made enquiries from officials and heard that the trains were likely not to be a success because the stations voted under the ordinance had not been built. He had heard some explanation of how part of the money had been spent; he now wanted to know what had become of the rest. He believed the stations had not been built, and the trains were being run without the very thing which the hon. the Colonial Secretary said was absolutely necessary before the trains started. Unless the stations had been built he would refer the Hon. the Sinhalese member who would tell them that the stations were necessary. Without that they would probably be told next session that the trains had been a failure.

The Hon. J. P. OBEYESEKERA had much pleasure in seconding the motion of the hon. the planting member, who was quite correct in saying that unless facility was given to the new trains started on the first of this month it would be difficult to say whether they would be a success or not. He thought the informant of the hon. member who said that the trains would not be a success had been rather premature in his judgment, because the trains could hardly be pronounced to have passed the experimental stage. The trains began running only a week ago, and from what he (Mr. O.) could see they appeared to give signs of future success. But he thought it desirable that the intermediate arrangements provided for should be constructed with the least delay so that every facility should be given to the extra trains for attracting as much passenger traffic as possible. On reference to the ordinance he found that for three stations a vote of R55,000 had been taken and for the additional rolling stock, in the absence of which the Traffic Manager found it difficult to run those trains, another R55,000 had been voted. He thought the stations and rolling stock should be supplied simultaneously. He should be very happy to know that steps had been taken to commence the erection of the stations and the construction of the rolling stock, and to have a promise from Government that every facility would be given to those extra trains for attracting as much passenger traffic as possible.

The Hon. the LIEUT.-GOVERNOR replied that there were a considerable number of departments interested in the return asked for and he had not been able to get it prepared as yet, and if the return had been laid on the table it would have been misleading without some explanation, for it would appear to show that nothing had been done. For instance, in the case of the Kelani bridge, there had been no expenditure as yet, but a contract was entered into some time ago in England for the ironwork of the bridge, at a cost of £11,052, and until the ironwork was on its way

the bridge could not be commenced here. As regarded the bridge over the Kalutara Canal, the work had been commenced. The piles were now being driven, and the cylinders which arrived about a month ago could be seen in the railway yard. The bridge for the Maradana road was also in course of construction; they had commenced the retaining wall. As regarded the new stations, they had been waiting to a certain extent for the rolling-stock which arrived a month ago. The engine had been put up and was now running. The carriages were not put up because owing to the deficient passenger traffic on the lines they had sufficient and were able to do without the new carriages. Respecting the stations he went over the line a few days ago with the Traffic Manager for the purpose of going into the question of stations and their sites, about which there was some doubt, and he had to consult with the Government Agent, W. P., as to those sites. There was a difficulty about some of them, and he thought they might be varied with advantage to the traffic and people. As regarded the telegraphic extension vote, the Government of India had not got anything yet. Of course the first thing towards telegraphic extension was to get material, and an indent for Rs6,176 worth had been sent home soon after the arrival of Mr. Hurley, and as soon as they were able to tell what amount of material would be handed over by the Indian Telegraph Department. As regarded the road to Hambantota, the papers laid on the table showed that R41,000 had been expended.

The Hon. R. B. DOWNALL was sorry if he had not expressed himself quite plainly, and that the hon. the Sinhalese member had not understood what he meant to say. He (Mr. D.) had been informed that the trains were not likely to be a success without the stations. He thanked the hon. the Colonial Secretary for the information given and was happy to find that the money was being expended for the purposes for which it was voted. His principal object in introducing the motion was that he was afraid the Government, octopus-like, was sucking that money into some other channel. He had next,—

UVA TRANSPORT AND CART AND BOAT REGISTRATION.

To ask what steps have been taken in connection with the Uva cart registration scheme to establish Police at Dikwella and also to move that the present system of registration be extended to the river from Ratnapura as soon as possible.

That motion was one of great importance and referred to the cart registration scheme between Uva and Colombo. There was no doubt that the establishment of police at Dikwella would be the key to the position. There the two roads branched off to Ratnapura and Nuwara Eliya. There was supervision along the former road but not on the latter. If the police were established at Dikwella it could be seen what roads the carts were registered to take. He had been over the roads with Captain Hansard, and when they got to Dikwella Captain Hansard was alive to the fact that that was the keystone of the system. The system of registration had been of much value, and to make it of even more value he hoped His Excellency would order the establishment of a police station at Dikwella. As to the latter part of the motion that also was very important, and the Chairman of the Uva Planters' Association and the speaker had had an interview with the Colonial Secretary on the subject, that of the registration being extended to the river from Ratnapura. It was not necessary for him to state that the road from Ratnapura was not able to support the traffic. It had been constantly under water of late, and it was well known that the large amount of traffic thrown upon it lately could not be carried over the road in its present condition; and with the prospect of a railway it was not the intention of the residents of Uva to petition Government to take any steps to make this road available for all the traffic, so that they wished especially to have the system of registration extended to the river. The matter had been discussed with the Colonial Secretary, and he (Mr. Downall) thought that Mr. Irvine and himself left with the impression that the registration would be undertaken. It was of great importance that it should be done as soon as possible, because in two months the heavy crop in Uva would commence, and from that time it would be absolutely necessary to have some check on the produce coming down.

The Hon. H. BOIS seconded.

The Hon. the LIEUT.-GOVERNOR: As regards the Police Station at Dikwella, at the time of this experiment there was a difference of opinion between Capt. Hansard and Mr. Campbell, the Inspector General of Police, as to which was the most valuable station, Dikwella or Bandarawela. Capt. Hansard thought that Dikwella would be the most valuable because all the carts using both the routes would pass there, but the Inspector General was of opinion that some confusion would arise at Dikwella because all the carts would be registered there, whereas if you register them first at Badulla and then at Bandarawela you would find which carts had gone one way and which had gone another, by comparing the returns. We will consult Mr. Campbell, and we shall be glad to give effect to the suggestion if possible. As to registration on the river, it is the intention of Government to take immediate steps for extending the system of registration, as recommended by the sub-committee on the Supply Bill, before the Uva crop begins to come down. The Inspector General is by no means sanguine of the result, although the Government has decided to give it a fair trial. If it is successful it will be made permanent.

The Hon. R. B. DOWNALL thanked the Government. If the road to be taken was stated in cartnotes by the consignors when the carts stopped at Dikwella, the cartnotes would be supervised and the difficulty of the Inspector General of Police would be removed. Dikwella was a very important station. It was a large village, and the planters would be very glad if police could be established there, even if removed from Bandarawela.

DRAWINGS OF THE ANURADHAPURA RUINS.

The Hon. J. VAN LANGENBERG introduced the following motion:—

To inquire regarding the collection of drawings of the ruins at Anuradhapura made for the Government by an officer of the Survey Department under the direction of Mr. Smither, and to move for papers.

He was informed that a surveyor had been specially detached for the work, and was employed for more than twelve months at a cost of R12,000, and that a very valuable collection of drawings of historical and archæological interest had been made. The object of the motion was to elicit information as to what had become of this collection, and what the intentions of Government regarding it were. The experience of Government in the matter of the sale of another book of drawings might probably justify their utilizing the present collection for the benefit of the public. Anything connected with the ancient capital of the Island, which had an interesting history of its own, would be sought after, and if the Government would take steps for the publication of those drawings they might find them to be of advantage not only in the Island but in Europe.

The Hon. F. M. MACKWOOD seconded.

The Hon. the LIEUT.-GOVERNOR: The motion is practically agreed to, because I see the drawings on the table opposite. The drawings were commenced by Mr. Smither some time ago, and the completion of them was delayed by his very serious illness which necessitated his visit to England. I went over all the drawings and papers with him carefully yesterday, and I find that the work is a very extensive one and requires very considerable care and further labor. I asked him how soon he could guarantee the completion of the work, and he said he could scarcely tell me, as the plans require a good deal more work upon them. Mr. Smither has, however, taken them in hand and promised that they shall be ready as soon as possible. As soon as they are finished it will be time to consider what shall be done with them. They are very large and voluminous and no doubt it will be advisable that the work should be fructified and made beneficial to the public; in what way that is to be done will of course depend on the way in which the work is completed. When they are completed we will inform the Council and come to the Council for authority for expenditure on them. It is a very interesting work and should not be allowed to be stopped.

THE FORT UNDERGROUND TRAMWAY.

The Hon. F. M. MACKWOOD rose

To ask what arrangements Government propose to make for the working of the underground Tramway on the site of the old Fort Canal, and to move for papers.

He said his object was first of all to draw attention to the slow rate of progress made of late with the Fort Canal tramway. In the opinion of those competent to judge and who were constantly on the spot, the tramway could very well have been finished six weeks ago. They now found themselves in the commencement of the busy coffee season and the tramway not in working order. He had been over some part of it before coming to Council, and those who knew and were with him informed him that more progress had been made since last Sunday than in two or three weeks previously; and if the trucks were put on the line, it could be used by next Monday. That brought him to the second part of his question, which was very important: as to arrangements to be made for working the tramway. In the olden days when boats were unloaded close to the wharf the Wharf & Warehouse Company could easily arrange to send coolies from the wharf close at hand to discharge from the boats, but now the distance was too far from the wharf to do so, and it would require a small staff, exercising some control over the men engaged. That required a little thought as to who was to exercise that control, and there was no doubt that with that staff the carriage would cost more than in the olden days, and he would like to know what proposals the Government had to make as to meeting that enhanced cost of getting coffee to the wharf.

The Hon. H. BOIS seconded. He could not concur exactly with one of the questions asked by the hon. member, because it implied that arrangements for working the tramway might not be carried out by Government but by others. He (Mr. B.) assumed that the Government would take a vote for the purpose of working the tramway, seeing that by filling up the canal they had deprived those who owned mills on the lake sides of the waterway to which they had a prescriptive title. He would like to know what arrangements the Government would make.

The Hon. the LIEUT.-GOVERNOR: As regards the finishing of the tramway, the report from the Director of the P.W.D., which I received two days ago, is that it will be finished before the end of the month. It cannot be opened for traffic sooner, but if it could the Government would be glad to do so. We have communicated with the Chamber of Commerce on the subject, and as to the arrangements I may mention that those arrangements were made with the consent of the Chamber of Commerce, and that the plans were thoroughly explained to the Chamber and altered with its consent and approval before being adopted. Having been guided by the wishes of the Chamber before of course this matter must be discussed between the Chamber and the Government, and until we receive the answer of the Chamber of Commerce and come to some conclusion on the subject we are not prepared to say what arrangement can be made. There are no papers to give.

THE AGRA ROAD EXTENSION.

The Hon. R. B. DOWNALL moved

For a statement showing the amount originally estimated for the Agra road extension, amount paid to the Contractors, and the amount of total cost including compensation.

He said that motion referred to a very expensive piece of work, and he wished to ask upon what principle the Government sanctioned such expenditure, as it was now estimated to cost R229,650 for 6 miles and 75 yards. That brought the expenditure up to about R40,000 per mile. What benefits had those interested in that road to receive from such heavy expenditure, and what ground was there for such expenditure being sanctioned by Government, especially for the last part of the road? Was it for a new style of road, which, instead of following the contour of the country, necessitated large culverts over ravines, or was it that such a road would require a smaller amount of upkeep? If the first, he thought that being an experiment, the proprietors ought not to be called upon to pay for such an experiment. If the second reason, it had been a most lamentable failure, because already the upkeep amounted to £100 per mile. He did not profess to be a road-maker or to understand the supervision of roads, but he had been over the road and if he could judge, which he ventured to think he was able to do, he could only say that that road, which was opened last July and had had very little traffic over it, was in a far worse condition than the Udapussellawa road, which cost R23,000 per mile and had had very heavy traffic thrown on it directly it was opened. The question was, however, whether the proprietors should be called upon to pay over R40,000 per mile when the middle section cost only R13,000 per mile and the section next preceding this costly one R19,000 per mile. He must insist that if more money was required than at first estimated it could not fairly be taken from the proprietors, who had paid an enormous amount already and now R10,000 more were required for compensation. He wanted to know what was the amount paid to the contractors and the amount of the original estimate.

The Hon. the LIEUT.-GOVERNOR: I lay on the table a return received from the Public Works Department giving the information asked for. The amount of the original estimate for this road, which, I believe, excluded compensation, was R221,000. The amount paid was R218,481, and there is a small extra of R251. The compensation was assessed by the valuators at R35,060. I was not in Ceylon when the contract was entered into, but I believe I am correct in saying that the road was estimated for and contracted for under the usual principles of grant-in-aid roads. The estimate was prepared by the P. W. D. and given by that department to the District Road Committee, who prepared the assessments in the regular manner after due notice, and it was of course open to any party interested to make any objection to it. No objection was made at the time and that the road has been costly is no doubt due to a certain extent to the improved way in which it was constructed. It has been made straighter and broader than is always required, but of course it was open to the proprietors at any time before the road was constructed to say that it was too expensive for them, and then they could get a cheaper article. If that had been done the Government would have been glad to have acquiesced in their wishes, but that not having been done the planters interested are bound by law to pay their half of the cost. As to remitting the compensation, I cannot agree to anything of the sort. Compensation is a part of the cost, of which the Government pay half. The compensation is a very large amount, R6,000 a mile, but certainly not one which the Government will take on its shoulders without the planters' society. It seems an enormous sum, but still that has been assessed by the assessors appointed in the usual manner, and of course the payment must be made in the usual way, the Government paying one-half and the planters the other half.

The Hon. R. B. DOWNALL said no doubt the cost

of the road was a most unusual one. As to the improved construction, he would ask anybody to go over it, and also to go over the portions costing half the amount, and see if the improved construction was nearly in proportion to the cost. He did not think the planters had understood that if the road had taken another course some of their money would have been saved. They might not have complained so bitterly if the road had really been a superior one, but when they saw such a road as that one they were naturally astonished. He certainly thought it was a case where an experiment had been tried, and had certainly been an unsuccessful and unwise one; tried at the end of a road where there was the least traffic.

H. E. THE GOVERNOR: In this case the initiative was taken by the proprietors of the estates. I was not in the colony when the original application was made, but the application must have come from the proprietors, and the ordinance requires that the estimates must be submitted to the Provincial Road Committee and approved before the road is commenced. I presume that all the formalities were observed in this case as required.

The Hon. R. B. DOWNALL: No doubt the initiative was taken by the planters, because they required their road extended, and having confidence in the Government when they found that it would be constructed at a high cost, they accepted the inevitable and expected an extra good road; and I still maintain it is not such a road.

THE HON. J. P. OBEYESEKARA AND DR. MURDOCH.

The Hon. J. P. OBEYESEKARA introduced the following motion:—

To ask what steps have been taken by the Government since the closing of the last sessions of this Council, with a view to provide the Vernacular Schools of this Island with a suitable series of Sinhalese School Books, and to move for papers.

He said that it would be within the recollection of hon. members that he brought to their notice the necessity that existed for proper school books for vernacular schools on December 3rd of last year, and in support of his contention he quoted the Colonial Secretary of 1877 as well as His Excellency's worthy predecessor besides the late unofficial members representing the Tamil and Sinhalese races. It was agreed on all hands that the books in use were entirely unsuitable, and that an endeavour should be made on the part of Government to replace those books with another series which would better answer the purpose; and in view of the fact that the Education Department was to undergo thorough reorganization at the hands of the Director of Public Instruction, and also of the fact that an unusually large vote had been taken this year for the purpose of working out the Director's plans he thought it would be well to know what steps the Government had taken, since he (Mr. O.) made his last motion on the subject, with the view of meeting that want. At the close of that debate His Excellency gave them the assurance "that the suggestions he had made for the future should have the full consideration of Government, * * * * * and that attention would be given to it in the future by the Government, which His Excellency hoped would be attended with better success than the efforts of Government had been attended during the past few years." He sincerely trusted to hear that day that that assurance had been acted up to, and steps taken for the purpose of meeting that crying want, as until that was done he thought a large amount of money spent upon elementary schools would be wasted. It was considered that such had been the case so early as 1877, by the then Colonial Secretary, and he (Mr. O.) might be pardoned for again quoting the remarks of that official:

He quite felt that the want was a very pressing one and that money had been wasted in the elementary schools through the lack of good books in the vernacular language.

Thus His Excellency would perceive that the want of good books was recognised so far back as 1877 and even prior to that, and that it was necessary both in the interests of the public service and of the revenue that the *desideratum* complained of should be supplied. He did not know whether he should be justified in adverting to a memorandum addressed to the Council through the Government upon the question of those school books shortly after the last debate. The memorandum was written by a gentleman who he had not the honour of knowing, but who styled himself the "Joint Secretary of the Christian Vernacular Education Society," and if he (Mr. O.) was correct in thinking he had a right to comment upon that memorandum, he hoped he should be allowed to touch upon portions of its contents in a very brief manner. Considering that it was sent to that Council through the Colonial Secretary's office, he thought it might be made a sessional paper, otherwise, he should not trouble himself with noticing it, considering as he did that it was entirely beneath his notice, as it contained misrepresentations of the grossest character. The memorandum was dated 20th December 1879, and it professed to come from Madras. It preferred three charges against him. The first was one to which he was in a certain way prepared to plead guilty and that was the charge that he did not take the trouble of counting the letters of the alphabet in the Society's books. He admitted that he did not consider it necessary to do so since certain books alleged to emanate from that Society contained words wrongly spelt, and in which certain characters had been specially ignored. It was one thing to say that those characters had been supplied in the alphabet, but another thing that the books had been adapted to that alphabet; and so long as the books produced by that Society were not adapted to the amended alphabet, and so long as the enlarged alphabet was not correctly used in composing the books those characters could be of no earthly use. In 1879 a commission sat upon the question and recommended that they should be supplied: but so long as the orthography of the books was not corrected according to the new alphabet, he thought the simple insertion of the characters could be of very little use indeed. The second charge made against him was a very serious charge and it was based upon a passage which he had never uttered, and which had been deliberately attributed to him with the view of inducing in a sneer, but the learned clergyman was quite welcome to indulge in as much sneering and chuckling as he chose. But to make a misrepresentation and then to have a chuckle at the expense of another was one thing, and to pass a stricture upon another when that other had fully deserved it was another thing. He (the clergyman) charged him in his memorandum with having called His Excellency's attention to the Platonic dialogues and attempted upon that to show that he (Mr. O.) was too young a person to quote Platonic dialogues for the edification of that Council. Let hon. members read his speech made in 1879 and learn for themselves whether he had made any remark of the kind. If that worthy divine thought it right to make such allegations simply for the purpose of passing a stricture on him, he would leave it to them to form their own opinion upon it. This critic said that he (Mr. O.) was too young to deal with a question of that kind. He admitted he was younger, at all events, than Dr. Murdoch, but he must first subscribe to the theory of the learned doctor that age was the only true standard by which knowledge were to be measured before he could admit that he was too young to take part in a debate upon such a question. If age were the standard of knowledge he thought Dr. Murdoch might be correct, and he (Mr. O.) might say that in all debates in which he intended to be engaged in that Council he could not do better than consult a very, very old man that was living at his place before doing so and,

especially, when the discussion was to be on the subject of vernacular school books since this old man, although he was one of the most thick-headed dunces he ever had anything to do with, had nevertheless quite as high, if not higher, pretention to a knowledge of the vernacular languages, as this learned doctor evidently had. He (the speaker) was not a very old man and might not be very learned, but at the same time he should be sorry to let the guidance of the vernacular schools of this island be left to that senile member of society. The next charge was that he had suggested the use of certain books for the vernacular schools. That was as false as the other. He could not remember having suggested the use of any books for vernacular schools, but Dr. Murdoch said in his memoran——

The Hon. R. B. DOWNALL (who had, with three other members of the Council, been inspecting the Anuradhapura drawings on a table near) then rose to order. He said he thought he ought to be allowed to rise to order, as the remarks they had heard were not exactly confined to the motion, and they had a great deal of work to do, though they would have been glad to hear the hon. member's defence if notice had been given of it in the motion.

H. E. the GOVERNOR: I have listened very carefully to the hon. member, who has gone to the utmost limits of the question, but I do not think has gone beyond them.

The Hon. J. P. OBEYESEKERA remarked that he had prefaced his observations by asking His Excellency if he were right in commencing on the memorandum, and not having been directed otherwise by His Excellency he thought it was not the proper stage for any hon. member to raise such an objection as that raised by the hon. member for the Planting community. As he (Mr. O.) had stated, had that Memorandum been privately circulated he would have treated it with contempt; but since the worthy doctor thought it worth his while to circulate it through the length and breadth of India and Ceylon and especially among hon. members of that Council for those hon. members to peruse it, he thought it was public property, as well as that of Council and that he should be fully at liberty to make comments on it, especially when there were misrepresentations made against his name. Some of the passages unfairly attributed to him by the doctor with the attacks based upon them had been quoted by an anonymous writer in one of the local papers and palmed off as having been uttered by him (Mr. O.) Then he came to a passage in which the Dr. said that the speaker had little experience, if any, connected with publications, and took a great deal of credit to himself as a publisher of thirty years experience. Let his remarks of a year ago testify as to the truth of that. He had neither the time nor the inclination to enter the lists as a pedlar of books or publisher and compete with this critic for honors in the book-vending line, as he had more important things to do than turning book-seller; but he would again say that the statement that he had suggested fit books for the vernacular schools was entirely without foundation. If the knowledge of Sinhalese possessed by the Doctor were to be taken as a specimen of that used in the publications of the Society he could not say much for the knowledge possessed by the promoters of the Society. He need not go very far to give an example. They had one at the very commencement in the translation into the Sinhalese of the title of the Society: the "Christian Vernacular Education Society." He asked any man who had the remotest pretention to a knowledge of the Sinhalese language whether a grosser libel both upon the grammar and the sense of that language could be conceived than—

H. E. the GOVERNOR: I think the hon. member is going beyond the question now.

The Hon. J. P. OBEYESEKERA: I am merely commenting upon a paper that had been sent to me under the frank of the Colonial office.

His EXCELLENCY: The memorandum is not before Council as a sessional paper.

The Hon. the LIEUT.-GOVERNOR: I should mention how this memorandum came to be circulated from my office was that after the session was over I got a large packet of the memoranda from Dr Murdoch, and a letter asking me to send them on, as he did not know the addresses of the hon. members, and so I had them put in the post and sent on.

The Hon. J. P. OBEYESEKERA: It was not then a paper that was laid on the Council table?

The Hon. the LIEUTENANT-GOVERNOR: No.

The Hon. J. P. OBEYESEKERA: Then, I shall not have a word more to say on the subject. I am exceedingly sorry that I should have taken up the time of the Council with my remarks, for had I been told before that the Government had nothing whatever to do with this memorandum, replete as it is with misrepresentations, I should have treated it with the contempt it so richly deserves. I shall be contented with the information sought for in my motion.

The Hon. the LIEUT.-GOVERNOR: I have much pleasure in having on the table the return asked for, and I think it will show that the Educational Department has fulfilled the expectation raised in last Session. I find that three works have already been published, five are in the press, four are ready for publication, and a number are in course of preparation.

The Hon. J. P. OBEYESEKERA thanked the Government for the return.

THE KANDY MUNICIPALITY.

The Hon. J. VAN LANGENBERG then called attention to the financial position of the Kandy Municipality, and moved for papers. He very much regretted that the motion should be brought on so late in the session, but he had intended to introduce it before, but had not been able to obtain the information he wished to have. He believed that the Kandy Municipality had been in correspondence with the Government for some time regarding that question and he did not know whether any definite decision had been come to. As one connected for many years with the Municipality, he should naturally be expected to take some interest in its progress and prosperity. When it was established in 1865 it started under very fair auspices and received encouragement from the Government, and the funds provided were such as to enable it to carry on its work of progress in such a manner as to benefit the citizens of that place. According to a statement furnished to him and in possession of Government, the Municipality had toll rents at Peradeniya, Katugastota, Gonawatta, and Halolooowa. In fact the revenue from those tolls were granted by the ordinance of 1865. The toll at Peradeniya was then worth R70,000, Katugastota R22,050, Gonawatta R4,800 and Halolooowa R3,700, or a total of R100,550 raised as the toll revenue for the Municipality. With such a revenue the Municipality received certain fees and stamp duties and was able to maintain 16 miles of road; and the Council was in a position also to undertake works of public improvement, not the least of them being the public market which cost R30,000, purchased a town hall the whole of which cost R70,000, and there was every endeavour made to carry on its work to the greatest satisfaction, but the funds of the Municipality which at starting had been over R120,000, had now being reduced to something like R30,000, although the Municipality was in no way responsible for the diminution. In 1865 the railway had not been opened, but the railway had since been opened and reduced the revenue from Peradeniya tolls. The tolls at Katugastota had also fallen off to comparatively little or nothing owing to the Matale line. So that the Municipality was

absolutely without sufficient funds to pay the upkeep of the establishment. There a municipality had been established for the purpose of educating the people to self-government and the Government naturally came to their aid and provided means of support. The Municipality got the funds to which they were entitled under the 1865 ordinance. These funds were taken away, which the Municipality could not prevent, and he thought the case was one which called for some interference on the part of Government. The Municipality was charged with certain duties and liabilities which it was compelled by law to carry out. The position of the Municipality was a peculiar one. If it neglected to efficiently maintain the roads, it was responsible to the inhabitants and for any damage that might result from the bad condition of the roads. If any authority were needed, they had the case recently decided by the District Court of Colombo, where the Colombo Municipality was held responsible because a bridge had not been sufficiently maintained, and the owner of a horse recovered damages. The duties devolving upon the Kandy Municipality included the keeping up bridges such as Feradeniya which now required an expenditure of R12,000 upon it. Another bridge also required repair. It was impossible to do so when the Municipality had not the funds. The Municipality which, as he was informed, had laid its grievances before the Government, had in times gone by, when it was in a flourishing condition used to be spoken of as the model Council, as men took great interest in it. But it could hardly be expected that men would consent to work in Council if there were no funds. The position of Kandy was changed, the value of property had gone down, and the total of the fees was reduced. The assessment of houses for police purposes was not so much: in point of fact there was very little revenue, and the Municipal Council had its funds reduced to about R30,000 which would next year be probably diminished still further. He suggested that as in the case of Colombo Municipality, which is receiving taken over by the Government. It would be a very great pity if the whole work of the Municipality were stopped, but that would be the result if the Government did not give some assistance. He understood that application had been made to the Government that a portion of the revenue which the Government derived within the Municipality from arrack rents should be made over. He thought that might be conceded, because when they had sufficient funds from other sources they did not require them, but now the Municipality had really very little funds, and as the absence of funds was not attributable to any neglect or waste of money entrusted to the Municipality, their case was one for the fullest consideration. It also understood application had been made for the taking over by the Government of some of the main roads. That would be a relief to the Municipal Council. It was impossible that the Council could proceed with duties involved upon it with an income of only R30,000. His object was simply to press upon the consideration of Government the present financial condition of the Municipality, and he felt sure that some aid would be given.

The Hon. R. B. Downall seconded.

The Hon. the Lieut.-Governor: There will be of course no objection to lay upon the table the correspondence of the Council and the Municipality. There is no doubt that the revenue of the Municipality has fallen off very much of late years, and I quite agree with the hon. member in saying that in his palmy days the Municipality of Kandy was undoubtedly a model institution. It was the envy of the other Municipalities, and for a very simple reason. I find on looking into the figures that the revenue of Kandy was R10 per head of the population, while the revenue of Colombo was only R4, and Galle under R2 per head. Of course under those circumstances the Kandy Municipality had larger means for doing good than at the present day. We had first an appeal from the Municipality for general assistance, but that was received too late for the estimates of the current year which were being brought before the Council. We cannot assist them without spending money, and we cannot spend money without coming to the Council for its authority. The answer made to the first appeal, for the arrack rents, was that the Government could not undertake to give them up as they formed part of the excise revenue. The licenses are on a different footing, but no portion of the excise, could readily be given over to the Municipality, but it was however intimated that next year in preparing the following year's budget we should be prepared to come to Council with a view to knowing whether we should not, as in the case of Colombo, take over some of the trunk roads which are used more for imperial purposes. With this the Municipality are not quite satisfied, but I am not sure we are prepared to go much further. I cannot speak positively, as the question has yet to come before the Executive Council. It is obvious that without a vote in the budget for the coming year we cannot at present assist them.

The Hon. the Govt. Agent, W.P., said one statement had fallen from the Hon. the Colonial Secretary which he might make a remark upon: that was the objection to give any portion of the arrack revenue to the Municipality. Generally the arrack rents were of an excise duty, but he believed there was a right or power granted to the Municipal Council to impose a license fee upon all persons retailing arrack within the Municipality, and he believed that the Government had so far conceded that point as to promise to allow to the Municipality of Colombo a certain portion of the arrack revenue which would be levied in that particular way. Naturally if the Municipality imposed heavy license fees it would touch the arrack rents, but he believed it had been allowed by the present Government and that of Sir Wm. Gregory that such licenses would be a very proper medium for raising Municipal funds, and he trusted that the Government would not now say that this should never be done.

JUSTICES OF THE PEACE AND THEIR POWERS.

The Hon. J. Van Langenberg said the next motion was

To call attention to the judgment of the Supreme Court in Reg. vs. Fieris, and to inquire if Government purpose to amend the existing law relating to the powers of the Justice of the Peace in the matter of committals and discharge of the parties accused before them, and to move for papers.

That was a matter of some importance, because he believed that if matters went on at the rate they were going, the administration of justice would soon come to a deadlock. The J. P.s, no doubt, as he said the other day, had a statutory power to commit persons accused before them to the Supreme Court or District Court without reference to the Queen's Advocate. It had been the practice for a considerable number of years that the Q. A. had exercised supervision over the administration of justice generally, in fact there was scarcely a case committed for trial without reference to that officer. He exercised the functions of a grand jury and upon his determination the J. P. committed parties for trial upon the charges preferred against them. But now the J. P.s acted independently of the Q. A. and committed parties for trial without any reference to him. There were several cases during the present session which had to be withdrawn by the Q. A. in which he could not present an information because the J. P. had committed parties accused for trial for offences on committals which were not properly made out. He might mention one case in which he had a personal interest where property was stolen and parties actually found in possession of the stolen property. There was no evidence to show that the parties accused had been guilty of burglary, but the J. P. having committed the parties for burglary, the Q. A. was not in a position to commit the persons for trial on another charge, because as soon as he gave his information for that it would be pointed out that the parties had not been committed for theft by the J. P. That was the position to which matters had come at the present moment. Again they had lamentable cases of imperfect investigation by youthful and inexperienced J. P.s who discharged guilty people, and in a case of the kind the Q. A had not the power to direct a re-investigation or the charge, because the J. P. had power to discharge. It had been suggested that the J. P. might be compelled by a *mandamus* to take up the case, but even if that course were adopted the Q. A. would agree with him that it was impracticable. They were now in the position that in the absence of that wise and judicious supervision by the law officers of the crown, the J. P.s could commit whatever they liked and commit for offences not supported by the evidence before them, and gross and scandalous miscarriage of justice resulted. It really called for the interference of the Government, and he thought that if there ever was a case for prompt action the present was that case. The hands of the Q. A. should be strengthened and every facility should be given to him as the fountain of administration of justice who should see there was no miscarriage of justice whatever. If it were necessary even that the session should be prolonged, it should be prolonged so as to bring in some legislation even at some inconvenience, because otherwise they would probably have persons who had clearly been guilty of offences allowed to go scot-free upon the public. They could easily conceive how a gross wrong might be done and a man charged with a very serious crime and somebody might come forward before the J. P. professing to be the party complainant and call evidence to support the charge and the evidence being weak the J. P. would be dissatisfied, and the person who might be in a position to adduce evidence would be powerless. The Q. A. should then interpose as soon as possible and see that no injustice was done. As the law at present stood he could only do so at a certain stage and could not do so after the J. P. had exercised his authority in the case. It was to be remembered that there was in contemplation a scheme by which the duties of the Queen's Advocate's Department were to be centralized in Colombo and greater necessity would arise for supervision by the Queen's Advocate Department. If anything were wrong in a case the Deputy Queen's Advocate might be in time to correct it, but that Council was soon to be closed for nine months and with all the officers of the Queen's Advocate Department in Colombo he thought they would come to a pretty pass, if the Government would not interfere to remedy what had been pointed out as a great evil and one affecting the administration of justice. It might perhaps be said to be right that the J. P.s should have the power to dismiss small cases, but they could allow that only with an efficient justiciary. They had young and inexperienced men as J. P.s, although there were no doubt many J. P.s to whom cases might safely be entrusted. But where they had inexperience, miscarriage generally followed. They wanted a class of men who would work harmoniously with the Q.'s A.'s Dept. The case referred to in the motion was one in which the Supreme Court held that the Queen's Advocate had no power to send a case for trial without its being committed by a J. P. It was thought by the construction of a particular clause in the ordinance that many evils pointed out could be remedied if that summary mode were permitted, by which the Queen's Advocate could ask for a process so that the party could be placed on his trial at once. If that construction were a right one, then there certainly was a remedy. But it had been pointed out by the Supreme Court that the Queen's Advocate did not possess that power. He (the Q. A.) could not bring up before the Supreme Court a person was not properly committed for trial on the charge intended to be preferred against him. That meant that the person must be allowed to go free.

The Hon. J. P. Obeyesekera seconded the motion, and in doing so said he was of opinion that no time should be lost in bringing forward an enactment to prevent such a scandalous miscarriage of justice as that which the want of control on the part of the Queen's Advocate's department over the Justices of the Peace might give rise to.

The Hon. the Queen's Advocate believed no one knew better than he did the importance of the question raised by his hon. and learned friend. It was one which had engaged and was engaging the serious attention of the Government. The Government was then in communication with the judges of the Supreme Court, and he was quite sure that the Government would take immediate action as soon as they had decided what course to adopt, he might be excused from saying more on that point while the matter was under the consideration of the Government. He thought it right, however, that he should make some remark as to what had been said as to the late decision in the Supreme Court. He must admit he thought the result of that decision would be serious and detrimental to the administration of justice. It had been the undoubted practice of the Queen's Advocate's department to supervise the proceedings of Justices of the Peace from their intention to the committal of the accused. The Administration of Justice Ordinance distinctly conveyed that power and even after the dismissal of cases it had been equally the practice to direct a recommittal if in the evidence taken by the Justice the department found that there was sufficient to put an accused on his trial. On taking up the duties of the office and on looking into the Administration of Justice Ordinance he had very grave doubts whether the ordinance had given the power to reverse the dismissal of cases by J. P.s after they were made, and he had such strong doubts on the point that he was desirous that the question should receive judicial determination. The case came before the Supreme Court, in a case in which he had ordered a re-committal after the accused had been discharged by a J. P.s. It was then decided that he had no such right. That decision he (the Q. A.) in no way found fault with under the clause of the ordinance as it now stood. But he contended that though the particular clause of ordinance in question did not give the Queen's Advocate the power to order a recommittal yet another clause of the ordinance gave the power to the Queen's Advocate to proceed against any person for any offence before the Supreme Court without the previous committal of a Justice of the Peace and he had argued that although he had not the power to order a re-committal of an offender who had been dismissed, yet he had the power *virtute officii* to bring him before the Supreme Court upon the evidence taken by the J. P. The ordinance was very strong upon that point, it seemed to him, and the whole tenour of that ordinance had that effect, but he must submit, as the Supreme Court had decided that he had not such power. That opened up a very large question apart from the mere question of committals by a J. P., it was this, what were the powers of the Law Officer of the Crown here, had they the same power as that given to the Attorney General in England. He felt he was deficient as to what his position exactly was. It was perfectly well known that all law officers of the Crown for all grave misdemeanors had on their own motion the right to prosecute *ex officio*. Such power should vest somewhere, and more especially in a colony like Ceylon where at any time it might be necessary for the Government to use strong measures with reference to matters which might affect the Government. In most of the colonies (he thought in all colonies) it was distinctly held that the Attorney General

had the powers of the Attorney General of England and in cases of misdemeanour and grave libels upon the administration of Justices or Government officers, the powers of the Attorney General in England were undisputed. But here he had no such powers, it was said. That question had assumed large dimensions, in the direction he had pointed out. He had always endeavored to cultivate as far as possible in the justices a spirit of independence in the conduct of cases brought before them. He did not like the J. P.s to think that they were altogether dependent upon the Queen's Advocate. He did not wish to make them simply recording clerks to his department. He wished to make them interested in the cases and exercise independent judgment and power and not think that they must perform their duties in as perfunctory a manner as possible. He thought it best to cultivate this spirit of independence; because if he had in reserve the power of directing committals even after cases had been dismissed he could have always intervened to prevent any serious miscarriage of justice. But it was held now that he had not that power and some provision should be made to prevent an indiscriminate discharge of cases. In cases of committals it was different, because the Queen's Advocate might at all times decline to put a person on his trial, and if he declined there was no power to make him do so. But where there was a dismissal by a J. P. it was absolutely necessary that some power should exist to re-open the proceedings. It has been said that fresh proceedings might be taken by another J.P. How were they to be taken? It was necessary that a charge should be laid, and how was the Q. A. to control the prosecutor? If a case had already been discharged and the prosecutor would not come forward to prosecute how could the Q. A. compel him? And if the J. P. in a particular district had already discharged a prisoner the Supreme Court would not interfere with his discretion and compel him to re-hear the case; so that even if it were desired to institute fresh proceedings they must be taken before another Justice, who would in most cases have to be sent specially to the locality at much expense and delay. The Government was giving the question the gravest consideration, and it would be prepared to act promptly—he used the word promptly advisedly—as soon as a decision had been arrived at as to the most judicious course to be adopted.

THE MADAMPITIYA ROAD.

The Hon. J. Van Langenberg introduced the following motion:

To ask, as the Government have decided upon not extending the Railway to Mattakkuliya, whether they will be prepared to continue the Madampitiya road towards Mattakkuliya, and to move for papers.

He said that road had a history of its own. Promises were given by the Government to the residents of this locality, and a sort of battledore and shuttlecock game was played. In 1876 a vote was asked for this road, and when the matter came before the Council it was suggested that instead of a road, they should have a railway. When the railway was pressed upon the Government, His Excellency had the words "if the line will pay" added on to his (Mr. Van Langenberg's) motion, and that had saved the Government. It had been stated that the line would not pay, and they must therefore fall back upon the road. The residents of Madampitiya now asked that the pledge given in 1876 for a road should be redeemed, and he argued that the Government were bound in good faith to give them that road.

The Hon. F. M. Mackwood seconded. He remarked that the road was commenced some years ago, and it was intended to carry it on to Mattakuliya, but, after the larger section had been done, it was proposed to make a railway. Now the railway was given up the inhabitants were left with a road ending nowhere. He understood that a comparatively small sum, R13,000 to R15,000, was required to extend the road to its proper terminus as originally intended. The construction of the section would really make it useful.

The Hon. the Lieut.-Governor: I need hardly say that we cannot make any promise until the estimates are brought before Council next year. There is no provision in the estimates for 1881 for this road and we have no estimate for the cost of its completion. There is no doubt a pledge on the part of Government that the people shall have a railway or a road. We will have plans and estimates prepared, and I hope our financial position will enable us to do something next year.

THE MEDICAL WANTS BILL.

In Committee on the Bill intituled

An Ordinance to provide for the Medical Wants of the Planting Districts

the hon. the Lieutenant-Governor brought up the report of the Sub-Committee for the consideration of Council.

The Hon. R. B. Downall said that he not was going to oppose the reading of the report, but he pointed out that it was informal, inasmuch as it was not signed.

The Hon. the Lieut.-Governor explained that the Sub-Committee's reports which are drafted by an unofficial member of the Committee are generally sent round for signature in the Council room either before or after they are read. To get them signed by the members before the Council met would cause delay sometimes.

The Hon. R. B. Downall did not wish to delay the consideration of the report, but he maintained it was not in order, as it was not signed. He was quite willing to go on with the report.

The Hon. the Lieut.-Governor: The only reason why it is not signed is, that at one time there was a practice of printing the signatures, in anticipation of their being obtained. There was, however, obvious objection to this, the signatures are now obtained as soon as possible, but there is at times great difficulty in getting it done—one hon. member especially being like a will-o'-the-wisp and it is difficult to catch him. I believe that this report contains the wishes of the sub-committee.

The Hon. R. B. Downall: I must express my regret that I can't sign it. It will be my unpleasant duty to enter a protest, which I shall ask you to forward to the Secretary of State when the bill is sent for his approval. I much regret to have to do this. I am sorry to say that if this bill becomes law it will sever that unanimity and good feeling which has so long and so beneficially existed between the Government and the planting community. We are very unanimous in opposing the principle of the bill. It is not the amount of money necessary, but the principle of imposing export duties on the produce of the country that we object to. As long as I have the honor of representing the planting community I shall oppose the principle of this bill by every means in my power. I hand in this protest and beg that it will be forwarded to the Secretary of State. He then read the protest as follows:—

On behalf of the planting community I protest against the introduction of export duties as unconstitutional, and at the present time of depression most unjust and vexatious, and on behalf of the employers of immigrant laborers I claim the right for their medical aid to be provided out of the general revenue. Should the revenue at present not admit of such a charge, an increase of three cents a bushel on the present import duty on rice would, as a temporary measure, be more fair and equitable.

The Hon. the Lieut.-Governor: I need hardly say that the protest will be forwarded in due form. I would merely put on record that to me the protest seems a strange one. The mode of taxation at present in force is one with which the Government as far as it is concerned has no fault whatever to find, and as regards this modification of the present taxation it has been introduced, as we understood, to meet the wishes of the planters and merchants representing planters. It is no new taxation, and that this protest should be entered I cannot conceive anything more ungenerous to Government than to say to us;—"You are trying to impose new taxation," when we are doing nothing of the sort.

The first addition to the bill was to add "and cocoa" to "coffee and tea" as paying 20c per cwt. duty and cinchona at 40c per cwt.

Clause 8 was the subject of some discussion and conversation.

In section (9) of the 21st clause it was proposed to alter the provision for supplying sufficient food and lodging for every female labourer from "*a month*" after the birth of a child, to "*fourteen days.*" This met with opposition from

The Government Agent of the W. P., who pointed out that the matter had been exhaustively argued when the old ordinance was under discussion. It was then proposed that a cooly woman giving birth to a child, should have not only food and lodging free, but also wages for one month. The planters objected, and he thought rightly, to give wages as well as food and lodging, and the Government gave in, on the clear understanding that food and lodging should be provided "free." The sub-Committee in bringing up the report on the old bill had reported that under the existing law (the Labor Ordinance) a woman had a legal claim to food and lodging as well as to medical care. There was a large *infant* mortality on estates, and the provisions in this clause were for the protection of the child as well as of the mother. The report of the present sub-Committee encouraged the idea that a woman should during the first fortnight after her confinement not receive her food free, whereas by law she was entitled to it, though unable to work. When they considered what the cost of a woman's food for one fortnight was, he felt certain that the planting community would not desire that the words "free of charge" should be left out.

The Hon. R. B. Downall contended that the women should pay for their food and lodging if able to do so; if not the planter could do so. That clause followed out the existing law excepting that it reduced the time to a fortnight.

The Hon. the Lieut.-Governor: The hon. the Govt. Agent will see that it is not necessary to add the words "free of charge"; they are not in the old ordinance.

The Hon. the Government Agent, W. P.: No—they are not in the old ordinance, because the Council were satisfied on the report of their sub-Committee that they were unnecessary as the cooly woman had a legal right to food "free" under the Labor Ordinance—all I wish to do is to guard the Council against adopting the reasons given by the present sub-Committee for omitting the words.

The Hon. R. B. Downall pointed out that the pioneer cooly men had to pay for their own food and lodging when sick.

He contended that the word *immigrant* should be inserted before the word "labourer" in clause 18. He maintained that to be consistent with the other clauses of this unhappy bill this should read "any sick immigrant laborer." He had steadily opposed the introduction of the word, for he had all along contended that medical aid should be provided for *every* laborer employed; he had however been overruled on each occasion, so must now divide the Council on the advisability, on the ground of consistency, of introducing the word "immigrant" before laborer in clause 13, line 3.

The Hons. the Queen's Advocate and Lieut.-Governor were adverse to the alteration, and a division was taken with the following result:—

Ayes.	*Noes.*
Hon. F. M. Mackwood	Hon. H. Bois
" R. B. Downall	" J. VanLangenberg
	" J. P. Obeyesekera
	" Collector of Customs
	" Surveyor General
Ayes.	*Noes.*
	Hon. Govt. Agent, W. P.
	" Treasurer
	" Auditor General
	" Queen's Advocate
	" Major General
	" Lieut. Governor
	H. E. the Governor.

The clause was therefore allowed to stand as before.

On coming to clause 21 the Hon. R. B. Downall stated this is the *only* recommendation made by the Planters Association that has been adopted, there was no doubt about the great importance of this clause, it showed plainly that the employers of labor were anxious to do every thing in their power for the proper medical care of their coolies and he was impressed that in drafting the bill the Government should have been most carefully considered by a very large committee such a very important clause. This bill had mittee meeting of the Planters Association, by District Associations, and their committees—most important alterations and suggestions had been made by those most competent to deal with the bill; and he much regretted that with this single exception, none of the recommendations had been adopted.

The Hon. F. M. Mackwood wished to know whether by the expression "from district to district" meant from one coffee district to another, or to any district in the Island. He wished to know whether surgeons, if required, could not be transferred to Jaffna or some other places which would be considered a "penal district"! (Laughter.)

After a short conversation on this point it was agreed that the words "from district to district" be struck out, the surgeons being liable to be removed and stationed in any part of the island.

Clause 30, constituting a Central Board, was omitted. Remarking upon it, the Hon. R. B. Downall said that that it was only in that clause that reference was made to a Central Board. It was the wish of the planters that the Central Board should be consulted on many subjects in connection with the ordinance, but their suggestions had not been agreed to. But, as it stood, the Planters' Association did not wish it to be put in as the last clause, they had been told it was only a sop to make the bill palatable; however, they had had quite enough of those sops which were very unpalatable, and they would prefer to throw the responsibility on the Government, and did not wish to create the Central Board as provided in the clause, seeing that it was not mentioned in the other clauses.

On the suggestion of the Hon. J. Van Langenberg, the title of the bill was altered to "An Ordinance to provide for the Medical Wants of certain planting districts."

The Hon. the Lieut.-Governor moved that the bill as amended be referred to the law officers of the Crown, the third reading being fixed for the next meeting of Council, when the session will close.

WEDNESDAY, DECEMBER 15.

Present: His Excellency the Governor, the Hons. the Lieut.-Governor, the Major-General, the Queen's Advocate, the Treasurer, the Government Agent, W.P., the Surveyor General, the Principal Collector of Customs, J. VanLangenberg, J. P. Obeyesekera, and H. Bois.

Absent: The Hons. the Auditor-General, the Government Agent, C.P., P. Rama Nathan, R. B. Downall, and F. M. Mackwood.

PAPERS.

The Hon. the Lieutenant-Governor laid on the table the following papers:—Report of the Public Works Commission; Despatch of the Secretary of State upon a Memorandum as to the Cultivation of cinchona; Financial Statements.

COLOMBO WATERWORKS.

The Hon. the GOVERNMENT AGENT, W.P., rose

To ask whether any communication has been received from Mr. Bateman or any other authority stating when the construction of the Colombo Water Works is to be actively commenced, in what manner it is intended to carry out the works, and when it is likely they will be completed? and to move for papers.

He said he asked that question not so much in anticipation of obtaining any satisfactory reply from the Government, because he felt sure that if any information on the subject had been received by the Government it would have been communicated to the Colombo Municipal Council, but in hopes that the Government would take steps to move Mr. Bateman in the matter and lay the information received from him before the Council and the public as early as possible. The question of a water supply for Colombo had been under discussion for ten or twelve years. It was first referred to Mr. Bateman on the 14th May 1873; when he (the G.A.) found that Sir Wm. Gregory wrote a letter saying:—

The necessity of a good Water Supply to our chief town Colombo has become an absolute necessity, and I must take steps ere long to provide it.

From 1873 the matter had really been entirely in the hands of Mr. Bateman. Mr. Bateman had attempted to show that some of the delay had been due to the fact that the colony was for some time in doubt as to whether the scheme adopted should be a gravitation scheme or a pumping scheme. But Mr. Bateman had had the entire charge in advising the colony since 1873. In Feb. 1878 the Municipal Council called the attention of the Legislative Council to the present reduced price of iron and moved:—

That the attention of Government be called to the present reduced price of iron, and in view of the fact that the Colombo Waterworks must shortly be commenced, that the Government be requested to telegraph to England such instructions as may secure to this Council the fullest advantage of present low prices.

The necessity for a proper Water Supply is daily becoming more imperative and urgent, and the Council having for its part, agreed to the extra taxation, suggested or approved by the Secretary of State for the colonies, trusts there will now be no delay in carrying into execution this most important work.

That was in 1878; the Government telegraphed home and the colony secured a large quantity of iron piping on remarkably good terms. Immediately after that some little difficulties arose between the Secretary of State and Mr. Bateman, and correspondence went on for sometime. However, the difficulties were removed in 1879 and the Secretary of State then suggested to Mr. Bateman that he should send out an experienced Assistant, and it was hoped he would not leave the colony till the construction of the works had been commenced. The Secretary of State wrote thus:—

With regard to the employment of an Assistant at the present time to visit Ceylon, the Secretary of State can only express his regret that the information now required was not supplied at the time of Mr. Burnett's visit in 1874. It has, however, occurred to him that it may be necessary to secure the services of a Resident Engineer to watch the execution of the works under Mr. Bateman's general superintendence as consulting engineer. If this appointment is required, and if Mr. Bateman is not prepared to undertake the responsibility of preparing the design for those works on the basis of the data collected under his instructions by the Surveyor General's Department, it may be a question whether the Resident engineer should be selected at once and sent out to the colony somewhat sooner than might otherwise be necessary.

Mr. Bateman, in reply, said he thought that would be impossible, and the Assistant must go back in order that he might consult with him and take advantage of whatever farther information he had gained locally. This was an extract from his letter:—

This Assistant had better return to this country after he has obtained the requisite information as there will no doubt be many points on which I should be guided by his local knowledge during the preparation of the drawings. The time necessary for making drawings, &c. will probably be four months and something like six months must elapse before the work could commence after they have been laid out on the ground. It would be unnecessary to appoint a Resident Engineer until the actual commencement of work whether done by contract, or by administration, which in my opinion would be the best way, would depend very much upon the information which I might receive from my Assistant. The expense to the colony would be much the same whether my Assistant returned or not, in fact it would be rather to the advantage of the colony as his salary would be saved while in this country.

That letter was written in 1879. The assistant came out, and went home again in September or October of 1879. Now fourteen months had elapsed since then, and, so far as they knew, nothing more had been done except a report from Mr. Bateman of 14th January 1880, in which he said:—

The plans and sections of the service Reservoir in Colombo are all but completed and copies for the use of the contractors together with specifications will now be prepared.

Sheets of plans showing the sizes of the pipes to be laid in the various streets of the city and indicating the position by numbers of every valve, irregular pipe and fire cock, will also be prepared for the use of contractors.

Of the whole work and material about £100,000 or perhaps £120,000 worth will consist of work and labor to be performed in this country, and for a contract of this amount I have little doubt that a respectable European contractor could be found to undertake it.

Inasmuch as the whole work is simple, with the exception of the reservoir embankments, and the discharging apparatus and other work connected therewith, I would recommend that the construction of the works be let to a respectable contractor, with good inspectors upon the whole work, and especially well trained men at the Reservoirs.

The Municipal Council, to whom that latter was referred, concurred at once with it, and they wrote to the Government as follows:—

The Council notice that Mr. Bateman suggests that the work be let to a respectable contractor with good inspectors upon the whole work, and especially well trained men at the Reservoir.

In these suggestions the Council concur, and they presume the inspectors will be nominated by Mr. Bateman himself, for it should be clearly understood that he is responsible for the proper construction as well as for the design of all the works.

But they had heard nothing about the contractor, and had no information as to whether Mr. Bateman, having conferred with his assistant, was going to give it out on contract or do it by administration. He did trust that they should before many months were past, hear that tenders had been called for and the work had actually been commenced. The last question was as to when the work was likely to be finished. That question was not of so much importance as to know when the work would be begun, but he thought Mr. Bateman should be distinctly informed that there were many town and sanitary improvements all of which were standing by until the water scheme is completed.

The Hon. J. VAN LANGENBERG seconded.

The Hon. the LIEUT.-GOVERNOR: The hon. member is quite correct in supposing we have no information on this subject, for I need hardly say that if we had received any information it would have been laid before this house and the Municipal Council. I have no doubt Your Excellency will be very glad to give effect to the wishes of the Municipal Council and communicate with the Secretary of State with the view of seeing how soon we may expect some further communication from Mr. Bateman.

THE MEDICAL AID BILL.

The Hon. the LIEUT.-GOVERNOR, before moving the third reading of the Medical Aid Bill, asked for and was granted permission to re-commit the bill in order that two slight alterations might be made. In clause 7, to meet the wishes of the Council as expressed at the last meeting, and to make the clause perfectly clear, it was now given as follows:—

For every district it shall be lawful for the Governor

to appoint a medical officer who shall hold office at the pleasure of the Governor, and shall have the medical charge of the district for which he shall be appointed, and shall be under the direction of the Principal Civil Medical Officer and shall be liable to be removed from one districts to another as the Governor may from time to time deem expedient.

Secondly, clause 21, as previously inserted, created a penalty for a kangani who did not perform a certain duty, but did not create the duty. He would move that the alterations as provided should be adopted by the Council.

The Hon. the QUEEN'S ADVOCATE seconded.

The Hon. H. BOIS thought the alteration of clause 7 seemed to perpetuate what they wanted to avoid, and that was that the Governor was restricted in moving an officer from one district to another. In the course of the last discussion he thought it was understood that the Queen's Advocate would draft a clause allowing the Governor to remove an officer without necessarily appointing him to another coffee district.

The Hon. the LIEUT.-GOVERNOR: He holds his office *at the pleasure of the Governor*: that is the point which will specially meet the desire of the hon member.

The Hon. H. BOIS moved to omit the words "from one district to another, as the Governor may from time to time deem expedient."

The Hon. the QUEEN'S ADVOCATE: He holds office under the pleasure of the Governor.

The Hon. H. BOIS: Then why put it in here?

The Hon. the QUEEN'S ADVOCATE: To make it perfectly clear.

The Hon. H. BOIS: I want to see it altered so as to give the Governor the power to remove to any district not a coffee district.

His Excellency the GOVERNOR pointed out that for the greater safety of the health of the thousands of coolies interested he had been invested in the bill with the power of removing any incompetent officer if he thought it necessary. He (H. E.) would have the power not only of removing an officer to any other district but of removing him from the service.

The Hon. the LIEUT.-GOVERNOR: This is a very exceptional clause indeed. The officer holds office at the pleasure of the Governor, which makes him very much more under the control of the Governor than the officers in other branches of the service, who hold office during the pleasure of the Queen. It will thoroughly meet what you (Mr. Bois) want.

The Hon. H. BOIS: It still appears to me that the Governor cannot send an officer anywhere except to a coffee district.

The Hon. the QUEEN'S ADVOCATE: It is quite clear: the Governor can remove him anywhere, even from his office altogether.

The Hon. H. BOIS: Then I am quite satisfied if it is shown that the power of the Governor is not restricted by the last part of the clause.

The Hon. the QUEEN'S ADVOCATE: I am quite sure it is not.

The bill was then ordered to be reported to the law officers of the CROWN.

The third reading of the bill was moved by the Hon. the LIEUT.-GOVERNOR and seconded by the Hon. the QUEEN'S ADVOCATE.

The consent of H. E. the GOVERNOR to the bill was then announced, and the Session was closed by H. E. reading the following address:—

HONOURABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL, The work of the Session having now been accomplished as far as it has been found possible to complete it, there remains to me the duty of thanking the Council, in the first place, for the supplies voted to enable the Government to carry on the Public Service. Although the decline in the revenue has made necessary a very large reduction in the expenditure, yet it is satisfactory that it has been found practicable to provide amply for the efficient maintenance of our establishments, our hospitals, and our prisons, to enlarge the provision for public education, and to allot a sufficient vote for other public services, including the Census, while at the same time providing for the interest of the new loans for the Matale and Nanuoya railways, without having recourse to borrowing.

2.—It has been necessary to defer the initiation of any large new works, and I especially regret that it has been necessary to reduce the vote for irrigation works; but although the votes for public works in the Appropriation Ordinance for 1881 are largely reduced, public works will be carried out next year on as large—perhaps a larger— scale than in any previous year. The contractors for the Nanuoya railway are pushing on the great task they have undertaken. The Colombo Harbour works are progressing satisfactorily, notwithstanding the very serious loss suffered by the Government in being deprived, I hope only for a time, of the services of the able and energetic Resident Engineer who has had charge of the works. It is expected that the Consulting Engineer who has charge of the Colombo Water-works will soon commence operations. Another most important work for which provision was made in 1879, and which will probably be completed next year, is the new railway bridge over the Kelani river; and among the lesser works which the Council have sanctioned by special Ordinance in the present Session, I may notice the much-needed enlargement of the Supreme Court buildings. This, although the ordinary estimates for public works are reduced, it will be seen that public works on a great scale are still in progress.

3. I have alluded to the Colombo Harbour works, and I am sure that the Council will see with satisfaction in a paper laid on the table to-day, that the steam tug boat "Active," which is required to complete the arrangements for dredging the harbour, is on its way from England. I have transmitted to the Secretary of State the very important resolution agreed to by the Council, limiting the expenditure on these works to £800,000, and suggesting that the consideration of the Consulting Engineer should be given to a modification of the plans which would for that sum give a secure harbour; but there has not been time for me to receive any reply.

4. The reports which have been laid upon the table during the session have informed the members of the distress which was occasioned in parts of the North-Western Province by the unusually dry weather of the summer, The tanks were exhausted, the paddy crops in many places were destroyed, and the herbage was parched up, causing the death of many cattle. Relief works have been opened by the liberality of the votes of the Council and I feel sure that the Government will have the support of the Council in advancing any further sums that may be needed for the relief of the people. From other parts of the country the reports I have received are generally satisfactory, and I hope that even in the Seven Korales the distress will soon be lost in a good harvest.

5. The Government and the Colony are indebted to the Council not more for the liberal increase made to the votes or public education than for the attention paid by the Council to the regulations recently framed for the administration of grants-in-aid. The report of the Director of Public Instruction for the past year, which has been laid upon the table, exhibits the annual increase in the number of grant-in-aid schools and scholars, from the 29 schools with 1,595 scholars of 1879, to 814 schools with 55,944 scholars of 1879. Such a development within ten years proves, beyond the possibility of doubt, the policy, always favoured by this Council, of encouraging these schools. But this development of the grant-in-aid system could not have taken place without great assistance from the Government and the estimates for aid to Public Instruction

outside the Establishment has risen ten-fold, from the modest sum of 27,000 rupees in 1869 to the munificent grant of 264,935 rupees made by this Council for the service of the year 1881. The administration of so large a grant ought to be carefully watched, and I am glad to think that under the exact, yet liberal Code, which has received the approval of the Council the public money will be awarded to the aided schools in a just proportion to the work that is being done into them, and that little or no room will be found for the miserably inefficient schools which have been described in some of the reports of the Department.

6. The most important legislative measure passed in the Session is the Ordinance amending the law of 1872, providing for the medical care of the immigrant coolies in the planting districts. This subject has occupied the attention of the Council for the last two sessions, and worthily so, for it is one of great moment to the well-being of thousands of coolies. I would, myself, gladly have seen the responsibility for the medical charge of the coolies retained by the planters themselves, as was provided in the Bill laid before the Council last year; but I do not doubt that the work will be most effectively done under the organization established by this Ordinance. I regret that, in the mode of raising the funds necessary to defray the cost of carrying out the Ordinance, the Government have been unable to accept and act upon the suggestions made by the Planters' Association. The mode by which the cost of the medical care of the coolies has hitherto been met—namely, by the assessment of estates according to their acreage—has been represented as involving some hardship on the planting community, being unequal in its operation and costly in its collection. Land which produces only two or three hundred weights of coffee to an acre is assessed at the same rate as land producing four or five times as much. Had it been practicable, the Government would have proposed, as the most equitable mode of raising the fund, an assessment of each estate founded upon the number of coolies employed upon the estate; but upon inquiry it was found that there were obstacles that were deemed to be fatal to this mode of assessment, and a duty on actual produce raised for export has been substituted, as likely to be in its working the fairest mode of raising the money, and certainly the most economical. To export duties, as a means of raising general revenue, I am directly opposed, and I have only assented to the imposition of the duties to be levied under this Ordinance because, under some form or other, the amount required to be raised for the Medical Aid Fund has to be paid by the employers of immigrants; and I believe that this mode will be found more equitable in its incidence and more economical in its collection than the assessments which will be abolished. If, however, any fairer or more economical mode of raising the fund can be suggested the Government will willingly consider it, for it is comparatively immaterial by what machinery the fund is raised, so long as the principle is maintained that the cost of the medical care of the immigrant coolies shall be borne by those for whose benefit those immigrants have been and are annually introduced and are employed. The obligation to provide their labourers with medical care was imposed on employers by the Labour Law of 1865, and was further regulated by the law of 1872; and I am not prepared to assent to any measure by which that obligation would be impaired and the burden thrown instead on the general public; least of all could I assent to the proposal which would throw that burden on the poorest part of the population by taxing the food of the people.

7. Another measure of importance is the Ordinance giving to Village Tribunals the power of enforcing by imprisonment the payment of the fines which they are already authorized to inflict under the Ordinance of 1871. This Ordinance will greatly add to the power and influence of the Village Tribunals in those districts remote from the police courts where these tribunals are of most use.

8. The power that you have entrusted to the Governor to appoint a Commissioner of Assize when the business of the Supreme Court is such as in the opinion of the Chief Justice to require assistance, will go far to prevent the delay in the business of the court which has been apprehended by the Judges themselves, and which could not fail to be prejudicial to the interest of the public.

9. It is not necessary for me to detain you with any observations on the other Ordinances, but I desire, before concluding, to inform the Council that the Chief Justice has completed the Code of Criminal Law which at the opening of the Session I stated that he had undertaken. The thanks of the Colony are due to the Chief Justice for this great work. It has not been considered practicable to proceed to the consideration of the Code in the present Session, but I trust that the much-needed revision of the whole Criminal Law will be completed next year.

10. I take this opportunity of informing the Council that I have received permission to absent myself from the Colony for a short time during the recess, and I shall be glad if during my visit to England I can in any way be instrumental in promoting the interests of Ceylon.

I now close the Session, and in bidding you farewell for a time I would fain hope that I may be permitted to open the next Session with a more assured prospect of commercial and agricultural prosperity.

APPENDIX.

NUMBER OF MEETINGS AND ATTENDANCE OF MEMBERS.

No. of Meetings 17

Attendance of Members:—

His Excellency the Governor, President	17
The Lieut.-Governor	13
The Major-General	17
The Queen's Advocate	16
The Auditor-General	17
The Treasurer	16
The Government Agent, W. P. ...	3
The Government Agent, C. P. ...	17
The Surveyor-General	17
The Principal Collector of Customs ...	15
The Hon. J. VanLangenberg ...	17
The Hon. J. P. Obeyesekere ...	15
The Hon. P. Rama Nathan ...	16
The Hon. H. Bois	13
The Hon. F. M. Mackwood ...	11
The Hon. R. B. Downall ...	

DIVISIONS DURING THE SESSION.

October 13.

THE COLOMBO BREAKWATER.

The Hon. the Lieut.-Governor moved:

That this Council, having taken into consideration Sir John Coode's report of the 16th June last, are of opinion that, for the reasons stated by him, the Southern arm of the Breakwater should be continued to the full length of 4,200 feet, this continuation having been shewn to be indispensable for the convenient admission into the harbour of ships of heavy draught.

In presence of the serious expenditure which will be involved by thus extending the work and of the difference of opinion which still exists among persons of local experience whether or not sufficient shelter be provided during the north-east monsoon by means of the single arm of breakwater thus prolonged, the Council are of opinion that it will be advisable to defer the commencement of any work in connection with a north arm, until there has been an opportunity of testing by experience the question whether a north arm is or is not necessary for affording due protection to the harbour.

The Hon. J. VanLangenberg moved:—"That the consideration of this motion be postponed till the next meeting of Council."

The Hon. P. Rama Nathan seconded.

Amendment put:

Ayes.	*Noes.*
Hon. P. Rama Nathan,	Hon. F. M. Mackwood,
,, J. P. Obeyesekera,	,, H. Bois,
,, J. VanLangenberg,	,, R. B. Downall,
,, Govt. Agent, W. P.	,, Col. of Customs,
,, Treasurer,	,, Surveyor General,
,, Queen's Advocate,	,, Auditor General.
The Lieut.-Governor.	
His Excellency the Governor.	

The question was, therefore, postponed till the next meeting of Council.

WATER SUPPLY FOR NUWARA ELIYA.

The Hon. R. B. Downall introduced the following resolution:—

That in the opinion of this Council it is desirable that a good water supply be at once procured for Nuwara Eliya as recommended by the Sanitary Commission of 1877, and to call for papers.

The motion was put to the vote with the following result:—

Ayes.	*Noes.*
Hon. F. M. Mackwood,	Hon. P. Rama Nathan,
,, H. Bois,	,, J. P. Obeyesekere,
,, R. B. Downall,	,, Col. of Customs,
,, J. VanLangenberg,	,, Gov. Agent, W. P.
,, Surveyor General,	,, Auditor General.
,, the Treasurer.	,, Queen's Advocate,
	,, Lieut.-Governor,
	His Excellency the Governor.

The motion was accordingly declared lost.

October 20.

The Hon. P. Rama Nathan moved, and Hon. F. M. Mackwood seconded, "That the Revised Code be referred to a sub-committee."

A division was taken with the following result:—

Ayes.	*Noes.*
Hon. P. Rama Nathan,	Hon. the Surveyor-General,
,, F. M. Mackwood,	,, Col. of Customs,
,, J. VanLangenberg,	,, Govt. Agent, C. P.
,, R. B. Downall,	,, Queen's Advocate,
,, H. Bois,	,, Major-General,
,, J. P. Obeyesekere,	,, the Lieut.-Governor.
,, Govt. Agent, W. P.	
,, Auditor General.	

H. E. the Governor abstained from voting.

October 23.

The Hon. R. B. Downall moved, "That the item for the Census be struck out of the supply bill."

A division was then taken with the following result:—

Ayes.	*Noes.*
Hon. F. M. Mackwood,	Hon. P. Rama Nathan,
,, H. Bois,	,, Col. of Customs,
,, R. B. Downall,	,, Surveyor General,
,, J. P. Obeyesekere,	,, Govt. Agent, W. P.
,, J. VanLangenberg,	,, Treasurer,
	,, Auditor General,
	,, Queen's Advocate,
	,, Major General,
	,, Lieut.-Governor,
	His Excellency the Governor.

November 21.

The Hon. R. B. DOWNALL moved, "That the Committee be instructed to consider the title of the bill, and to alter it as follows:—An Ordinance to provide for the medical wants of planting districts. To amend clause 4 as follows:—Omit words in first line ("a special") and in line five to omit from "a" to "duty" in line eight, and to add in line eight after the word "duty" "not exceeding three cents per bushel on all rice imported at Colombo, Batticaloa, Galle, or any other port the Governor may select, which duty," &c., &c., &c.

Ayes.	*Noes.*
Hon. H. Bois,	Hon. P. Rama Nathan,
,, R. B. Downall,	,, J. P. Obeyesekere,
,, Govt. Agent, C. P.	,, J. VanLangenberg,
	,, Collector of Customs
	,, Surveyor General,
	,, Govt. Agent, W. P.
	,, Treasurer,
	,, Auditor General,
	,, Queen's Advocate,
	,, Major General,
	,, Lieut.-Governor,
	H. E. the Governor.

The amendment was therefore declared lost.

December 6.

The Hon. P. RAMA NATHAN moved that the attendance in town schools be reduced from 50 for boys, 30 for girls, and 60 for mixed schools, to 40, 20, and 50 respectively. The Council divided with the following result:

Ayes.	*Noes.*
Hon. P. Rama Nathan,	Hon. J. P. Obeyesekerra,
,, F. M. Mackwood.	,, J. VanLangenberg,
	,, Col. of Customs,
	,, Surveyor General,
	,, Govt. Agent, W. P.
	,, Treasurer,
	,, Auditor General,
	,, Queen's Advocate,
	,, Lieut.-Governor,
	His Excellency the Governor.

December 8.

The Hon. R. B. DOWNALL moved that the word *immigrant* should be inserted before the word "labourer" in clause 13, line 3.

Ayes.	*Noes.*
Hon. F. M. Mackwood	Hon. H. Bois,
,, R. B. Downall	,, J. VanLangenberg,
	,, J. P. Obeyesekera,
	,, Col. of Customs,
	,, Surveyor General,
	,, Govt. Agent, W. P.
	,, Treasurer,
	,, Auditor General,
	,, Queen's Advocate,
	,, Major General,
	,, Lieut. Governor,
	H. E. the Governor.

FURTHER CORRESPONDENCE

RELATIVE TO THE

COLOMBO HARBOUR WORKS.

(In continuation of Sessional Paper No. LXIV. of 1879.*)*

Ordered by His Excellency the Governor to be Printed.

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FURTHER CORRESPONDENCE

RELATIVE TO THE

COLOMBO HARBOUR WORKS.

DESPATCH from the Earl of Kimberley to Governor Sir J. R. Longden, K.C.M.G.

Ceylon.
No. 82.

Downing Street,
5th August, 1880.

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Sir,—With reference to my despatch No. 40 of the 18th June, and to previous correspondence, in regard to the proposed alteration of the plans of the Colombo Harbour Works, I have the honor to transmit to you the Consulting Engineer's report on the subject. A copy of a letter which my predecessor caused to be addressed to the Crown Agents on the 19th of March last is also enclosed.

2. To the views expressed in that letter and in my predecessor's despatch to you, No. 100 of the 22nd of April, 1879, I have little to add. The decision as to the form which the work is now to take rests with your Government. You will perceive from the last paragraph of the letter of the 19th of March to the Crown Agents that my predecessor entertained grave doubts as to the wisdom of taking any steps which would interfere with the extension of the harbour at a future date, and I will only add that Sir John Coode's reasons for preferring the construction in the first instance of the breakwater according to design B, as shewn in drawing No. 1, to the curtailed design shewn in drawing No. 2 seem to me to be entitled to great consideration.

3. With regard to the provision of the further funds which may be necessary, I have only to observe that, looking to the rate at which the Ceylon Government can now borrow in the open market, there would be little immediate advantage in borrowing a portion of the amount required from the Public Works Loan Commissioners, were an application for such a loan to be successful, a result which is very improbable.

4. I gather from the letter published in Sessional Paper No. LXIV. of 1879 that your Government are now considering seriously the question of the revenue to be derived from the port. I am in communication with the Board of Trade in regard to this, and I shall shortly address you further on the subject.

I have, &c.,
KIMBERLEY.

Enclosure No. 1.

The Colonial Office to the Crown Agents for the Colonies.

Downing Street,
19th March, 1880.

Gentlemen,—I am directed by the Secretary of State to request that you will refer to Sir John Coode the enclosed copy of a further despatch from the Governor of Ceylon, with correspondence on the subject of the Colombo harbour works, which was placed before him unofficially shortly after its receipt in continuation of the correspondence which had already been referred to him. All the enclosures to Sir J. Longden's despatch are sent herewith for convenience, but Sir J. Coode will perceive that while the first, the third, and most of the eighth refer only to the financial aspect of the question, the second is merely a personal explanation; and of the rest, Nos. IV. and V. have been already before him, the latter in MS. Nos. VI. and VII. and a small part of No. VIII., therefore, contain the only matter, not being purely financial, which has not been already referred to him.

2. Sir J. Coode is aware that the Legislative Council of the Colony have passed a resolution limiting the expenditure on the work to £800,000 in all, and upon a review of the financial considerations Sir Michael Hicks-Beach is not prepared to urge upon the Government of Ceylon any further expenditure which cannot be clearly shewn to be necessary for the utilization of works already undertaken consistently with the preservation of the sanitary condition of Colombo.

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3. On two points there appears to be a concensus of opinion: 1, that the harbour must be dredged; and 2, that the construction of the two jetties proposed in Sir J. Coode's revised scheme may be postponed. As to the immediate necessity of the proposed coaling station there appears to be some difference of opinion; but, even assuming that the construction of this last were also postponed, the reduction on Sir J. Coode's estimates would not be more than about £161,000. The limitation therefore of the total expenditure to £800,000 would, as Sir J. Coode's present estimates stand, involve the abandonment of the north arm, and to this question chiefly Sir J. Coode will no doubt direct his attention.

4. He will observe that the Colombo Chamber of Commerce lean to the construction of the north arm as the only means of securing protection from the north-east monsoon, which Sir Michael Hicks-Beach understands causes an inconvenient swell. But even admitting that perfect stillness is not otherwise to be obtained, it is a question whether it is a matter of such importance as to justify the very large additional expenditure on the construction of a north arm. The Master Attendant at Colombo points out that perfect stillness seems to be of less importance now that the jetties are to be abandoned, and it may be remembered also that the large amount of shipping already frequenting Colombo does so notwithstanding the disadvantages of an open roadstead.

5. The bearing of the construction of a north arm upon sanitary considerations is of far greater importance.

6. In the letter from this Department of the 3rd of September last, Sir Michael Hicks-Beach expressed his desire to receive from Sir J. Coode a report on the drainage system of Colombo in connection with the proposed harbour works, and I am now to request that you will again draw Sir J. Coode's special attention to this point. He will observe that the Commissioners appointed by the Governor to inquire into the matter recommend a diversion of the drainage of the town, apparently whether the north arm be constructed or not, a work the cost of which would no doubt be a considerable addition to the direct expenditure on the harbour works, and that they express an opinion (which must of course be taken as an unprofessional one) that in the absence of a north arm there will be a sufficient current to carry away the unavoidable deposits from the shipping But they appear to be confident that a close harbour will seriously affect the sanitary condition of Colombo. The comparative health which that town has hitherto enjoyed may doubtless be to a great extent ascribed to the constant current which sets along the shore from the northward, and it appears to Sir Michael Hicks-Beach that if it were possible by an alteration in the south-west breakwater to preserve this condition while protecting the port from the seas of the south-west monsoon, a certain expenditure on this account would not be difficult to justify. But this is a question which it is of course for the Consulting Engineer to decide.

7. Sir John Coode will no doubt give due weight to the doubts entertained by the Resident Engineer as to whether the harbour may not be injured by silting in the event of its being completed on the original plan, and to the opinion of the Master Attendant of Colombo, expressed in his letter of the 19th of September, as to the disadvantages of a narrow entrance to the harbour during night, when a heavy sea is running, as well as to Captain Donnan's suggestions on the matter generally. With regard to one of Captain Donnan's suggestions, however, viz., the curving of the south-west breakwater at a point nearer the root, I am to state that while Sir Michael Hicks-Beach presumes that that breakwater, so far as it is continued in a north-westerly direction, is the most costly part of the work, and although the Colombo Chamber of Commerce express an opinion that an area of 400 acres would be sufficient for probable future requirements, yet he entertains grave doubts as to the wisdom of taking any steps which would interfere with an extension of the harbour in future, if that should be found expedient.

I am, &c.,
R. G. W. HERBERT.

Enclosure No 2.

The CROWN AGENTS to the COLONIAL OFFICE.

Ceylon.

Downing Street,
London, 24th June, 1880.

SIR,—WITH reference to your letter of the 19th March last, relative to the design to be adopted for the completion of the Colombo Harbour Works, I have the honour to forward for the information of the Earl of Kimberley, a report in original by Sir John Coode, the Consulting Engineer for these works.

2. This report deals so fully with the different suggestions which have been made on this subject, that it does not appear to us necessary to enter at any length into the arguments on which Sir John Coode has based his recommendation. He has carefully considered the effect which the construction of a close harbour might have on the sanitary condition of

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Colombo, and has recommended a modification of his design for the north arm, and an alteration in the position of the sewage outfall which will, in his opinion, remove the risk of danger from this cause.

3. As regards the proposed limitation of the expenditure, he seems to us to have established beyond question the position which he has taken up, namely, that to attempt to construct a close harbour for £800,000 would result in such a diminution in the depth of the entrance as would exclude from it the largest class of steamers and the heavier ironclads of the navy, while the entrance would be placed in such a position with reference to the Isaure rock as would "irretrievably ruin the approaches to the harbour." There seems therefore to be no avoiding the alternative, either of incurring the increased expenditure required for the completion of the work on design B, or of adopting Sir John Coode's recommendation, and completing at present only the south-west arm according to that design, postponing for the present the execution of the north arm.

I have, &c.,
M. F. OMMANNEY.

Sub-Enclosure in Enclosure No. 2

REPORT BY SIR JOHN COODE.

Colombo Harbour.

5, Westminster Chambers,
London, S.W., 16th June, 1880.

GENTLEMEN,—WITH reference to your letters of 5th and 12th September, 14th November, and 22nd March ultimo, with their several enclosures, bearing upon the subject of the Colombo harbour works, I now beg to lay before you the following report:—

1. As mentioned in Mr. Herbert's letter to you of 19th March, most of the despatches, with their enclosures, had been before me either officially or unofficially prior to the date of his letter, and the more important points therein referred to had received my personal consideration and study, as the several papers came to hand. Soon after the receipt of the last instalment of the documents, on 22nd March, the matter was definitely gone into, and has since continued almost uninterruptedly under investigation, notwithstanding which I am only now in a position to frame my report. I have felt that the solution of the questions now under consideration will decide the ultimate scope, character, and measure of utility, and I may say also of success, of the new harbour at Colombo, and therefore it is that so much time has been necessarily consumed in making calculations, preparing plans, documents, &c., with a view to devise, if possible, a mode of procedure, which, whilst meeting the views of the Ceylon Government with regard to cost, could be relied on to afford the required accommodation, and to admit of extension when necessary hereafter. I allude to this in order to account for the interval which has elapsed since the receipt by me of the various documents.

Views with regard to design B.

2. It would appear to be generally admitted that the rapid increase in the number of steamers frequenting Colombo necessitates an enlargement of the sheltered accommodation proposed to be provided by the design of 1872. A difference of opinion has, however, been expressed as to whether the extended design should partake of the nature of a 'close' harbour, viz., one shut in by two arms and protected during all weathers, or of a harbour sheltered from the south-west monsoon seas, but exposed to the undulation of the north-east monsoon. My own view, as expressed in the report of 30th September, 1878, when putting forward design B., was—and I may say still is—in favour of the principle of a close harbour.

3. A collateral point has grown out of the inquiry in the colony into design B., viz., as to the effect of the proposed harbour on the sanitary condition of Colombo, having regard to the fact that the sewage of the town is at present discharged into the area which it was proposed to enclose, and bearing in mind also the other sources of pollation of the Pettah foreshore, to which reference is made in the documents. In reconsidering the subject of extended harbour accommodation, the sanitary phase of the question, to which my attention has been especially directed, has therefore been kept prominently in view, and, I submit, satisfactorily provided for.

4. Doubts have been expressed as to the necessity for providing such an extensive area of sheltered water as contemplated by design B., viz., 502 acres, and the Ceylon Chamber of Commerce, who are favourable to the principle of that design, appear to have been of opinion that a harbour of 400 acres would give sufficient space for present and probable future requirements, if dredging near the foreshore were carried out to a greater extent than contemplated in design B. The curtailment has been propounded by the Chamber with a view to reduce the outlay required for the works, and in the absence of professional data there would appear at first sight to be no valid reason against the reduction to 400 acres, seeing that a harbour of that area, *if otherwise satisfactory*, would

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suffice for the present and future requirements of the port. Unfortunately, however, the position of water of sufficient depth, and of the northward extremity of the Isaure Rock, as compared with the configuration of the south and east shores of the Bay, necessitated the placing of the entrance at such a distance from the Coast line, in order to obtain an adequate depth for the passage during all weathers of such vessels as may be expected to visit the port, as to render it absolutely impossible to curtail the area of design B to any extent, if at all, by shortening the south-west breakwater and altering the position of the north arm, without impairing in a very serious degree the utility of the whole work, in consequence of the reduced depth which would be thereby provided in the entrance. The area of design B could of course be reduced by pivoting the north arm on its outer termination, and drawing it towards the south, keeping the entrance in the position proposed, but no appreciable saving would result from such a change, seeing that the arm would be of at least the same length although somewhat less exposed than in design B, whilst the sheltered area would be thereby curtailed.

5. The force of these remarks will, I think, be evident upon referring to the three accompanying drawings. No. 1 shews design B, recommended in my report of the 30th September, 1878, but with an opening between the shore and the inner end of the north arm, to which reference will be made hereafter. It will be observed that the depth in the entrance is forty feet at low water of ordinary spring tides; the mean tidal range is two feet, thus giving forty-two feet at high water. In a case like the present, and more especially where there is such a small rise of tide, provision should certainly be made to admit of the safe entry and exit of the heaviest-drafted ships *at low water*; thus the depth of forty feet provided for in design B may be regarded as the ruling working depth in the entrance. If it is desired that the new harbour should be adapted for the reception either for coaling, or other purposes, of the ships of Her Majesty's Navy, during the south-west monsoon, it will be necessary that a depth of not less than forty feet shall be available in the entrance. The draft of an ironclad may be put down at twenty-eight feet, and of the largest of the merchant steamers at twenty-three feet. Adding eight feet for "scend," or vertical rise and fall of a ship, during the south-west monsoon, and allowing four feet for clearance under the keel when at the lowest level, these figures give forty feet as the depth required in the entrance for the safe passage of the ironclad, and thirty-five feet for the merchant steamer. In order to obtain a depth of forty feet the entrance must be placed at the distance from the shore shewn on design B (drawing No. 1), and in the position indicated, so as to enable deep-drafted vessels to clear the outermost spur of the Isaure rock, over which there is only from thirty to thirty-one feet at low water—see drawing No. 3. These questions were carefully considered previous to putting forward design B in September, 1878, and the entrance placed in the best position, having regard to the physical features of the site. I had also in view, when framing this design, the importance of confining the expenditure to the narrowest limits compatible with the formation of a good harbour, having a safe entrance adapted for the reception of the ships of Her Majesty's Navy, as well as those of the merchant service. It will be apparent upon examining drawing No. 3, first, that it will not be practicable to curtail the south-west breakwater of design B, without reducing the depth in the entrance, and bringing the track of vessels, when passing into or out from the harbour, dangerously near or even across the outermost point of the Isaure rock. Secondly, that however much the south-west breakwater were to be shortened, the distance from its northward termination to the east shore to be protected by the north arm would be practically the same, and thus the cost of the latter work would not be much reduced by curtailing design B. Thirdly, that the extent of the new harbour must in this case be mainly, if not entirely, governed by the depth to be afforded in the entrance, and not by the area required for the accommodation of a given number of vessels.

6. With a view to reduce immediate expenditure, it has been generally admitted that the construction of jetties 1 and 2, included in the estimate for design B, should be postponed. I concur in this view, although I feel assured that at no distant date after the completion of the harbour, the additional landing and other facilities which would be afforded by these jetties will necessitate their execution, nor can there be any doubt, judging by the growth of kindred ports, that the further expenditure required in their construction will hereafter be not only fully justified, but would, I believe, be amply repaid by a small due, which would be more than covered by the saving to the merchants in working charges, and at the same time leave a balance to meet the cost of construction and maintenance.

7. As to the immediate necessity for the full extent of the proposed coaling station, there appears to be some difference of opinion. Since my report of 30th September, 1878, the Government have purchased a powerful "dredger," and arrangements are being made for the early commencement of dredging operations. At first the materials raised will be landed and deposited at the root reclamation and also behind the rubble embankment, which has been already formed between the Leyden Bastion and the Lotus-pond, and partially backed with debris. Specifications have however been prepared, and tenders invited for the construction and delivery at Colombo of a powerful steam hopper barge adapted for receiving from the dredger, and conveying away and depositing at sea, in a position to be determined by the Resident Engineer and Master Attendant, cargoes of

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500 tons each. The cost of depositing the dredgings by means of this vessel will be less than that of landing them; therefore, after the arrival of the hopper barge, about one thousand tons per diem will be disposed of in this way, the remainder of the materials being utilized in the formation of a coaling station of reduced area, as hereafter recommended.

8. In connection with the formation of the coaling station, the Master Attendant has suggested, as a point worthy of consideration, whether the new ground at the root of the breakwater could not be given up to storing coal, and the harbour wall at the inner end of the breakwater utilized for the discharge of coal ships during the north-east monsoon. My own view is that the space at the root of the breakwater ought to be reserved for the erection of warehouses and sheds and for general purposes in connection with the trade of the port, keeping in mind what I cannot but regard as the certain erection, hereafter, of jetties 1 and 2 of design B. As explained in my report of 30th September, 1878, it is desirable to keep the coal station away from the general trade, and to effect this I recommended the south-east shore of the bay as the most favourable position for coal storage. Moreover, the harbour walls of the breakwater could not be used for landing purposes during the south-west monsoon: I therefore still consider that the south-east bight of the bay will prove by far the most convenient site for the coaling station.

As to the proposed north arm.

9. The opinions which have been expressed in the Colony with reference to the north arm, which formed one of the features of design B, are summed up by Sir James Longden in his despatch No. 438, dated 3rd November, 1879, to the following effect:—

"The members of the Chamber of Commerce are almost unanimous in recommending the north arm as essential to ensure that entire stillness which is necessary to enable steamers to lie alongside each other, and transfer goods and passengers from one ship to another. Unless this stillness be ensured, much of the usefulness of the harbour will, it is said, be lost. Captain Donnan and Colonel Fyers think this stillness will be afforded by lengthening the south arm 600 feet. On the whole, there can be no doubt the general opinion in the Colony is in favour of a north arm as the only means by which the requisite smoothness can be thoroughly ensured."

Careful observations made by the Resident Engineer since the time of my visit to Colombo in 1878 have shewn that a ground swell or undulation of from two to five feet in height prevails for about four-fifths of the period of the north-east monsoon. The head of the south-west breakwater will be distant from the east shore about three-quarters of a mile, being almost as great as the depth of the harbour in a north and south direction. Unless shelter is provided from the north, it would follow that during the north-east monsoon the anchorage, including the area proposed to be dredged, would be disturbed to an extent but little short of the undulation outside. I do not for a moment assert that the safety of shipping within the harbour would be jeopardized in the slightest degree by a wave disturbance such as I have described; but, on the other hand, there cannot, I think, be any doubt that in the discharging, loading, and transhipment of cargoes much inconvenience would be experienced, nor can the area of the harbour be utilized by anything like the same number of vessels at one time, as in the case of perfect shelter being afforded from all quarters. Certainly, in my view, a north arm constitutes an essential feature of the design, and if the sum available for the works is unfortunately too limited to admit of its execution *simultaneously* with the south-west breakwater, its postponement should be regarded as temporary, and the other portions of the design so framed and executed that the north arm, which is beyond doubt necessary for the formation of a complete and perfect harbour, could be added hereafter as soon as the necessary funds for the purposes may be forthcoming.

10. Periodical soundings taken over the same lines after the cessation of the south-west monsoons in 1878 and 1879 have shewn, that for all practical purposes but little, if any, changes have occurred in the level of the bed of that portion of the bay which has been sheltered by the breakwater in progress. This promises well for the maintenance of the full depth in the new harbour, although it is not absolutely certain that, in the absence of a north arm, the area proposed to be deepened can be fully maintained without recourse to periodical dredging. Any opinion on this latter point must to some extent be conjectural, but, looking at all the circumstances, there is reason to apprehend that occasional dredging will be required over the deepened area unless the north arm be constructed. There can however be no question as to the absence of silt, and the maintenance of the full depth within the new harbour if the north arm be formed. Nor is there, in any view, ground for the slightest apprehension of a growth of sand along the north side of the north arm, and afterwards in the entrance to the harbour, seeing that the waves impinging on the east shore will "rake," or run along the back of the north arm, and tend rather to promote a scour than an accumulation. I have therefore no fears on this head.

11. In a report by Captain Donnan dated 28th July, 1879, he refers to the proposed entrance (design B) as being the best which could be devised to suit sailing vessels during both monsoons, the width of the entrance, 600 feet, being in his opinion sufficient for all purposes. In a subsequent report dated the 19th September, 1879, Captain Donnan expresses a doubt, if the close harbour were made, whether commanders of mail steamers would take the risk of entering at night during the south-west monsoon, however well the pier heads may be lighted; whereas, with an open harbour, the breakwater head could be

rounded slowly at a safe distance. I concur in the view expressed by Captain Donnan in the first of the two reports above alluded to, viz., that an entrance of 600 feet in width will be sufficient for all purposes; but should experience shew when the two arms are drawing towards completion, that a greater width is desirable in view of the entry of vessels at night during the south-west monsoon, the lengths of the works could be curtailed, and the width of the entrance increased accordingly. I apprehend, however, that no such necessity will arise. It is intended to place a powerful light at the head of the breakwater, and if it be granted that a sufficient width of entrance is provided, I do not see why vessels should not make the close harbour at night as well as the open one, the light at the breakwater head being the same in either case. There is, in my opinion, no reason why a difficulty of entry at night through such a wide entrance, properly lighted, should be anticipated at Colombo, seeing that no such difficulty has been experienced in making many close harbours and river entrances where the conditions are less favourable.

12. I have hitherto referred to the necessity for the north arm in order to afford protection from the swell during the north-east monsoon, but similar protection is also required in this direction during the south-west monsoon. The distance of the breakwater head from the shore, as already stated, is about three-quarters of a mile, and even were this work extended, or canted at its outer end, as suggested by Captain Donnan, there would still be an interval of nearly two-thirds of a mile between the termination of the work and the shore. During the south-west monsoon the waves, after passing the breakwater head, would, in the absence of a north arm, wheel around into the outer part of the area sheltered from the direct force of the south-west seas, and cause a run and agitation there. I am consequently unable to recommend the adoption of any prolongation of the breakwater, or modification in its direction, with a view to provide a satisfactory harbour (although this would mean in effect but an extension of my original design), seeing that experience of the local conditions during the execution of the work has shewn, to my mind conclusively, that shelter is required from the north as well as the west, and that the full amount of protection that is requisite cannot be afforded by a single structure however placed, but can only be obtained by the erection of two separate and distinct arms.

13. I desire here to add that, in referring to the undulation within the harbour, to be anticipated in the absence of a north arm, I am alive to the fact that perfect stillness is not required, and is moreover a condition to be avoided having regard to the sanitary phase of the question. My remarks bearing upon the necessity of the shelter from the northward have reference to an amount of undulation which would not infrequently prove inconvenient in carrying on the business in the outer part of the harbour, and would, *pro tanto*, detract from the full and satisfactory utilization of the harbour, although not in the slightest degree dangerous to shipping.

As to the sanitary question

14. In the report of the Sanitary Commission it is stated that the surface drainage of at least 337 acres is connected with three principal drains, which empty themselves into the sea within the limits of the proposed harbour, and although all these drains are supposed to carry off surface water only, they are used to a considerable extent both as latrines and urinals, and vegetable refuse and other substances are thrown into them. A portion of the surface drainage of the Fort is connected with the canal, which also communicates with the harbour. The sea beach in front of Pettah, and within the proposed harbour, is now used by the natives as a latrine. The Commissioners also state that there is no doubt the water in the harbour will become contaminated to a very great extent by the vessels moored in it, the average daily number of individuals on board these vessels upon the completion of the harbour, being estimated by Captain Donnan at about 3,000.

15. The remedy suggested by the Commissioners is given in the concluding paragraph of their report, thus:—"We recommend that the drainage of the city should, if possible, be diverted so as to prevent the three main drains and the drains connected with the Fort canal from emptying themselves into the harbour, and that more strict police supervision be exercised than at present to prevent the sea shore from being used as a latrine, but we are, as already stated, unable to recommend any adequate sanitary precautions which are likely to be successful, if the northern arm of the breakwater be constructed so as to form a close harbour as proposed by Sir John Coode."

16. In accordance with the request in Mr. Herbert's letter to you of 19th March, I have, as before stated, directed special attention to the sanitary condition of Colombo in relation to the new harbour works. I concur in the view that, whether the north arm be carried out or not, it is desirable that the existing outfall drains should be intercepted and led away so as to discharge beyond the limits of the proposed harbour, and also that steps should be taken to prevent the pollution of the shore, at all events within that portion of the south and east margin of the bay which may be protected by the proposed works. It is impracticable, in the absence of special information and levels, to fix upon the best position for the outfalls of the intercepting drains, or to estimate the cost of the works. I may, however, point out that it would probably be found convenient to divert the drainage from the Fort to the southward of the breakwater root, whilst the remainder of the drainage from the city might be discharged to the northward of the harbour.

17. To promote circulation within the new harbour, and more particularly along the margin of the enclosed shore, I would recommend that, in any case, the north arm should be formed as an isolated structure, the landward end commencing at a point about 1,000 feet seaward of low water mark, so as to leave an opening of that width for the admission of sufficient wave undulation during both monsoons. I have selected this position for the opening as being more likely than one further westward to promote agitation along the shore, and to set up a circulation throughout the harbour area generally, and this circulation, combined with the effect of the wave admitted through the main entrance, may be relied on to maintain the harbour in a perfectly wholesome and satisfactory condition, assuming that the precautions recommended by the Commissioners for the exclusion of the sewage of Colombo and the prevention of the fouling of the enclosed foreshore are carried into effect. Even if the construction of the north arm be postponed for a time, it will probably become a question for consideration at a later date, when the breakwater is further advanced, and its sheltering effect noticed, whether the sewage ought not to be diverted from the enclosed area; certainly the use of the sheltered beach as a latrine by the natives should be prohibited forthwith.

Works to cost in the aggregate £800,000.

18. With regard to the limitation of the expenditure on account of the works to £800,000 in all, including the outlay already incurred, it will be more satisfactory that I should define precisely the extent and character of the close harbour which could be completed for the sum named; this I have done upon the accompanying drawing No. 2. It will be seen, by reference thereto, that the length of the breakwater would be curtailed from 4,200 feet, as in design B, to 2,740 feet. The north arm would be formed as an isolated structure 2,600 feet in length, parallel to the corresponding work of design B. The inner end of this arm would be about 1,000 feet from low water mark, in order to provide an opening of that width for circulation within the enclosure, whilst the outer termination would form, with the head of the south-west breakwater, an entrance of 600 feet in width. The area embraced by the two arms is 371 acres, of which 130 would, after the completion of the dredging, have a depth of not less than 26 feet at low water. There would be a small additional reclamation eastward of the lotus-pond, which, with the reclaimed area already in course of formation, would be available as a coaling station. The jetties, and the remainder of the reclamation contemplated in design B would be omitted. There can be doubt that, as regards area and depth, irrespective of other considerations, this harbour would meet the requirement of the port, but the insufficiency of the depth of water in the entrance (thirty-three to thirty-four feet) coupled with the fact that the projecting spur, forming the northern termination of the Isaure rock, over which there is only from thirty to thirty-one feet at low water, will lie directly across the track of vessels entering the harbour during the south-west monsoon, are fatal drawbacks to the adoption of this curtailed design for a close harbour.

19. The accompanying drawing No. 3 has been specially coloured with a view to bring out, as graphically as possible, the spur of the Isaure rock in relation to the entrance to the reduced harbour, above described, and also to the harbour contemplated in design B. It will be observed that a line drawn from the head of the breakwater of the smaller design at a right angle to south-west, cuts the Isaure rock at a point about 500 feet from its northward termination, being within 100 feet of the full width of the entrance, thus shewing that with south-west winds vessels would have to pass over the reef in "making" the harbour. During the south-west monsoon vessels entering would naturally keep as far as possible to windward before approaching the opening, thus taking them directly over the rock. The cost of removing the rock spur by submarine blasting to the extent to which it overlaps the entrance would be but little short of £100,000, and still leave the entrance with a depth of thirty-four feet only at low water, which would be but barely sufficient for the entry of the merchant steamers during the south-west monsoons, and altogether inadequate for the ships of Her Majesty's Navy. On the other hand it will be seen, from drawing No. 3, that the entrance in design B has been arranged so that the track of vessels approaching the harbour during the south-west monsoon would be entirely clear of the Isaure reef, the opening leading directly from the deepest water, and having a depth of forty feet between the pier heads. Thus it is that, although, *other things being equal*, a less area than contemplated in design B would, as intimated by the Chamber of Commerce, suffice for the accommodation of the trade of the port, it is impracticable, having regard to the physical conditions of the site, to curtail in any material degree, if at all, the extent of design B, without irretrievably ruining the approaches to the harbour.

Recommendation.

20. The question now arises, What is the best course to adopt, having regard to the circumstances of the case, as hereinbefore described? If, after reconsideration, it should be finally determined that the expenditure shall be limited to £800,000, including the outlay already incurred, I see no alternative but to proceed with the south-west breakwater in accordance with design B, postponing the execution of the north arm until the requisite funds for its construction can be provided.

In this case, the dredging and curtailed reclamation would be carried out to the extent previously described and shewn on the accompanying drawing No. 1, some dredging in all probability being periodically required pending the execution of the north arm for the maintenance of a depth of 26 feet over the deepened area.

COLOMBO HARBOUR WORKS.

FURTHER CORRESPONDENCE.

21. Should it however be decided, in view of the further reasons now adduced in favour of design B, and against a curtailment of that design, that the expenditure can be increased so as to include the cost of the north arm, then I would recommend that both the south-west breakwater and the north arm should be proceeded with *simultaneously*. The complete design which, under these circumstances, would be carried into effect is shewn on drawing No. 1. The breakwater would correspond, in all respects, with that proposed in my report of 30th September, 1878. The total length of this work completed from the "junction line" of root up to 30th April last, was 1,448 feet, to which must be added 665 feet of root sea-wall, giving a gross advance seawards from the starting point of 2,113 feet. The north arm would be practically on the same line as contemplated in my report of September, 1878, but with an opening of about 1,000 feet in width between low water line and the inner end of the work, in order to provide for free circulation and change of water within the harbour. The total cost of the dredging would be the same as formerly proposed, the depth being 26 feet at low water, instead of 24 as intended in the design of 1878, the area to be deepened being somewhat reduced as an equivalent for the additional depth. The reclamation for the coaling station would be curtailed, and the jetties omitted, as previously described for the smaller design.

22. The adoption of the opening at the inner end of the north arm necessitated a mode of construction for that arm somewhat different from that described in my report of September, 1878. Having regard to the great depth of "cabook" which overlies the hard rock at Mutwal-point, to which attention has been previously directed, and to the probability that a sufficient quantity of rock cannot be obtained at Elie House under more favourable conditions, I have considered it desirable to reduce the quantity of rubble in the section, all of which, as now proposed, might be brought from Mahara and deposited from barges. The substructure thus formed would be capped with massive concrete blocks, placed in position by a floating "shears," so that all the operations in connection with the north arm would be conducted afloat. The full width of the opening between the inner end of this work and the shore would thus be in unrestricted operation for circulation purposes, and free from obstruction by staging or otherwise during execution.

Estimate.

23. I estimate the cost of design B, completed to the extent just described, and shewn on drawing No. 1, allowing for the curtailments, &c., as follows :—

	£	£
Amount expended to 31st March, 1880, Rs. 3,769,678 which, at 1*s.* 8*d.* each = ...	—	314,140
Completion of root, depôt wharf, &c.	30,265	
Completion of south-west breakwater	368,530	
Northern arm, executed as an isolated work, commencing at a point about 1,000 feet from the shore, and consisting of a rubble mound with a capping of concrete blocks ...	234,865	
Dredging, including purchase of plant	—	633,560
	—	79,763
		£ 1,027,563
Reclamation eastward of the lotus-pond, in continuation of the bank already formed, the filling being derived from the dredgings		15,895
Gross sum to be provided to meet the entire cost of the works coloured red on the accompanying drawing No. 1 ...		1,043,458
Credits :—Value of dredger, barges and other plant on completion of works	20,000	
Value of reclaimed land, fifteen acres at £1,000 per acre ...	15,000	
	—	35,000
		£1,008,458
Total net cost of works, 12,101,496 rupees at 1*s.* 8*d.* each, or		
If the north arm be omitted the gross sum required to meet the cost of the remainder of the works coloured red on drawing No. 1 would be	£ 1,043,458* less 234,865	
Credits :—Value of dredger, barges, and other plant on completion of works	...	808,593
Value of fifteen acres of reclaimed land as above, at £1,000 per acre	16,000	
	15,000	
		31,000
Net cost, 9,331,116 rupees at 1*s.* 8*d.* each, or ...		£ 777,593

The sum put down in my estimate of 30th September, 1878, as the cost of the north arm was £258,864, as compared with £234,865, the cost of the isolated work now intended.

The whole of the foregoing estimates are based on the assumption that a rupee is of the value of 1*s.* 8*d.*, which corresponds with the value given by Sir James Longden in his despatch dated 3rd November, 1879.

* Gross cost as above.

COLOMBO HARBOUR WORKS.

FURTHER CORRESPONDENCE.

Cost of convict labour.

24. Before concluding I desire to refer to Mr. Kyle's remarks in his progress report to the Colonial Secretary for the year 1878, with reference to the unsatisfactory results which had attended the employment of convict labour on the harbour works. Mr. Kyle says :—"Prison labour has been employed on the works with more or less success since 1874. During the year 1878 the prisoners have failed to give a result equivalent to that of the preceding years, or even to that of free labour during the same period." This statement bears out the anticipations I expressed when the question of the employment or otherwise of convict labour was under consideration just prior to the commencement of the works ; my object however in directing attention to this subject now is, to point out that, under the conditions which have hitherto prevailed, and more particularly during 1878, the cost of the work executed has been increased by the employment of the convicts. Under these circumstances it seems to be only reasonable and proper that the charge for the convicts should be reduced, so that the cost of the harbour works may not be augmented by reason of their employment thereon.

25. I beg herewith to return the several documents received with your letters of 5th and 12th September, 14th November, and 22nd March ultimo,

And have, &c.,

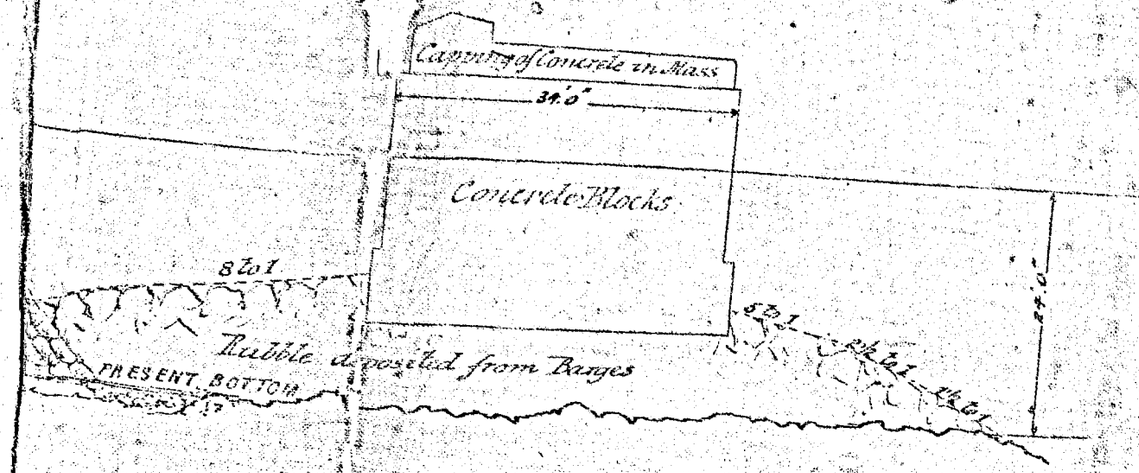
JOHN COODE.

COLOMBO HARBOUR WORKS

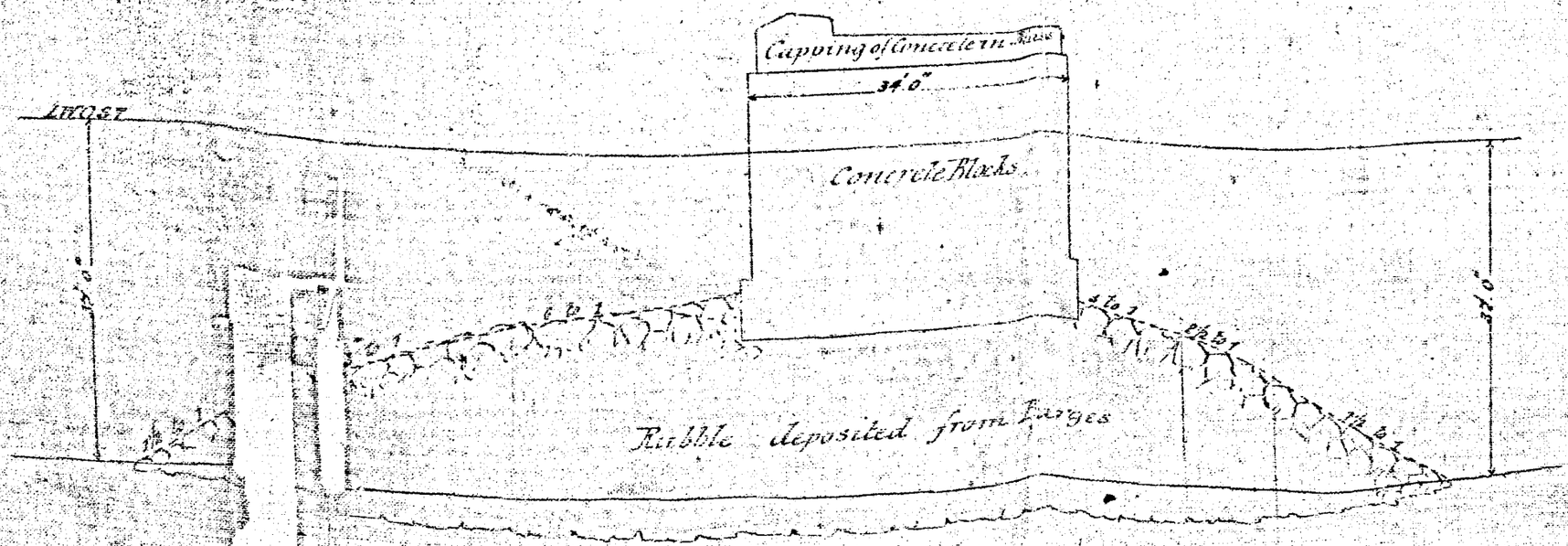
Cross Sections of Breakwater Pier

Scale 16 feet = 1 inch

Average Section between 1326 feet and 2185 feet



Average Section between 2185 feet and end of Work



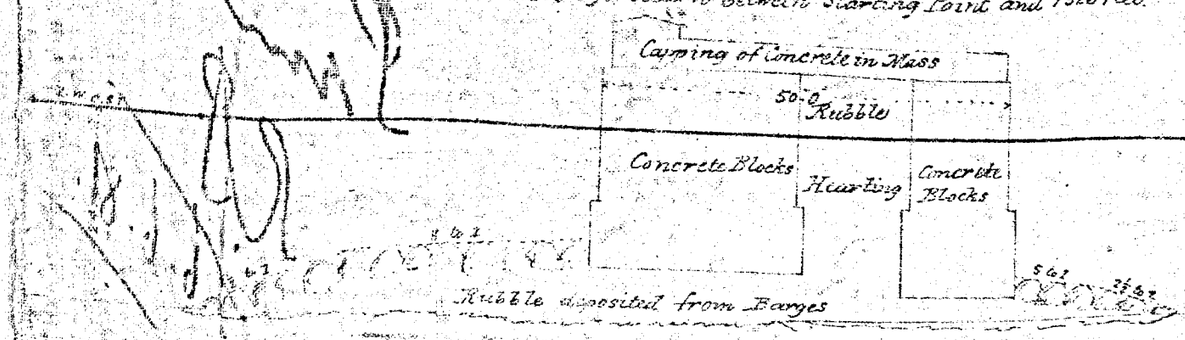
Charles Pool
Asst Resident Engineer

COLOMBO HARBOUR WORKS

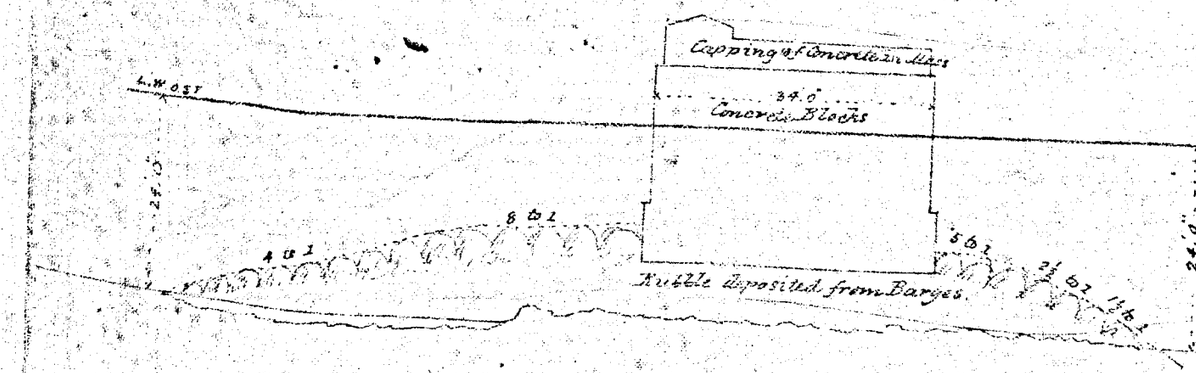
Cross Section of Breakwater Pier

Scale 20 feet = 1 inch.

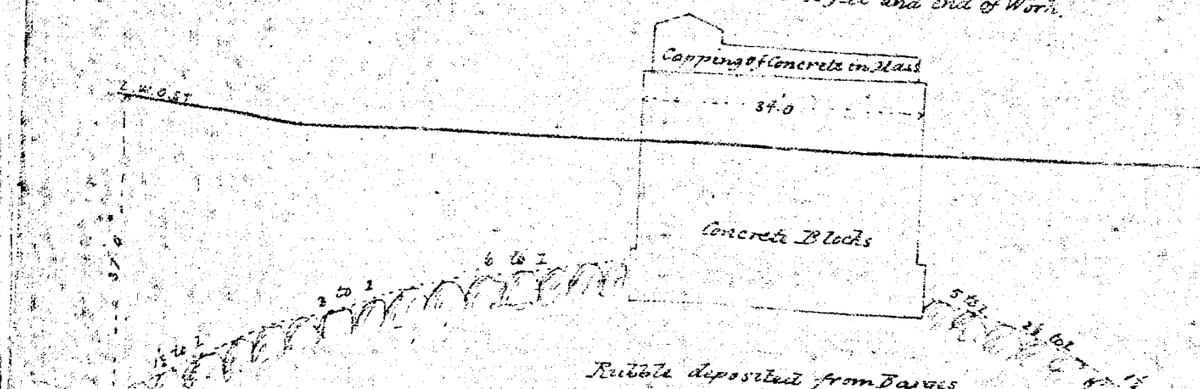
Average Section between Starting Point and 1326 feet.



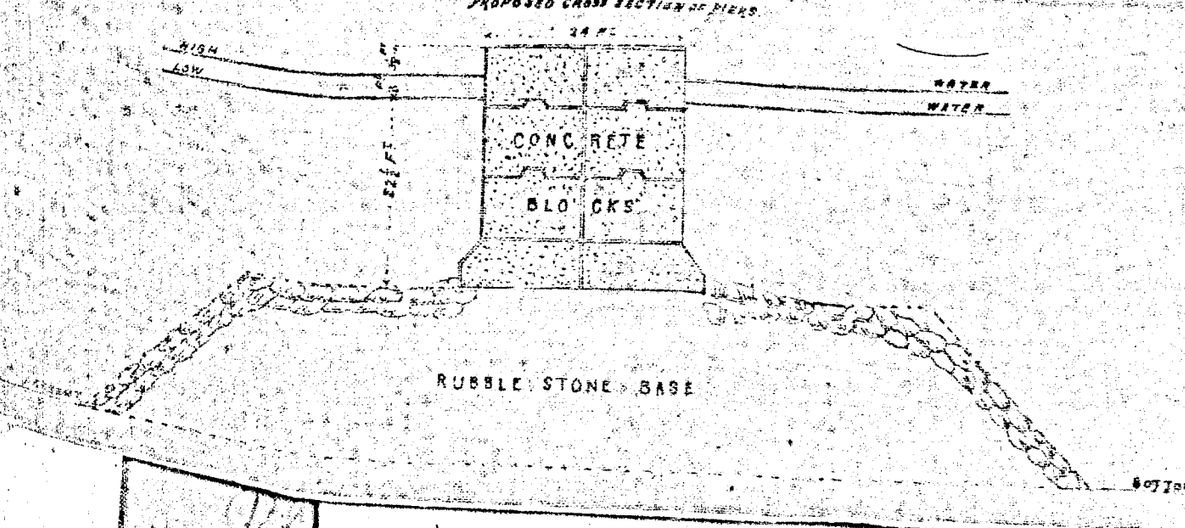
Average Section between 1326 feet and 2185 feet.



Average Section between 2185 feet and end of Work.



MADRAS HARBOUR
PROPOSED CROSS SECTION OF PIERS



Private
R.S.
6.1.81.

CAW

1) Instruct Mr Robertson Inspector Roberts warning re Instructions present use in street

(2) Re duties Inspectors this private beat to assist in Capt Harbour visits temperate — as this Inspectors attends Upper must be in the Area

Pte

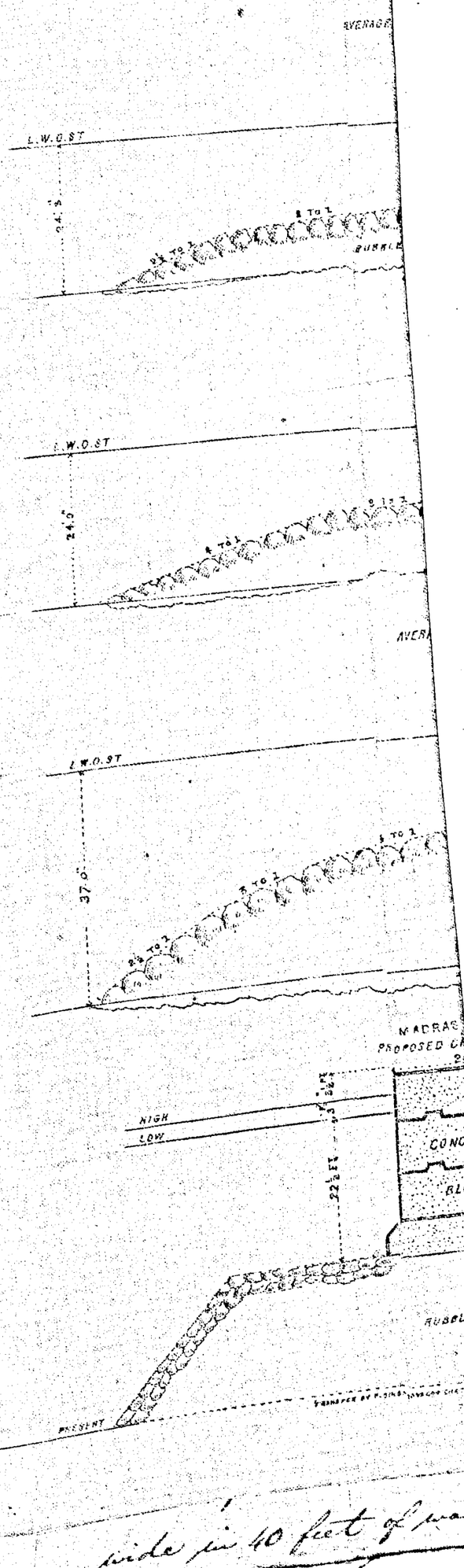
13/6/81

Sat 10

(1) Report here

(2) Remarks to be Report with the original off of the Report re the Columbo Harbour.

Pte



side in 10 feet of water facing the N.

Memorandum on the Colombo Harbour Works.

With reference to GO. No. 637 W. of 11th March 1857 authorising our visiting the Colombo Harbour Works we desire to record very briefly the results of our inspection of the same on the 5th & 6th ultimo.

2. In the first place we would submit for perusal the documents noted in the margin and a Map shewing the present Condition of the works, and the various proposals for their completion which have been submitted for the decision of the Ceylon Government.

(1) Proceedings of the Ceylon Legislative Council Session 1850 (discussion on the Colombo Harbour question pages 32 to 40)

(2) Further Correspondence relative to the Colombo Harbour Works with the Report by Sir John Coode of 16th June 1850.

(3) General Plan of the Colombo Harbour shewing the general scheme proposed

(4) Three Cross Sections of the work also one of the Main breakwater.

3. The inspection of the Map will shew that in the scheme recommended by Sir John Coode the main breakwater would be carried from its root along the line of the Spanne Rock for a distance of 1,200 feet, where it would be placed the harbour mouth 600 feet wide in 40 feet of water facing the N. W.

Beyond this point lie the North Arm 2,500 feet long having a general direction of South West by West.

4. The Surveyor General's (Colonel Tyers R.E.) scheme follows the same line as regards the main breakwater, but which is made to curve round to the North East and is carried further than in Sir John Coode's scheme so as to dispense with the necessity for the so called North Arm.

5. The third scheme proposed as a Pile Mole need not be adverted to as having apparently been rejected by all authorities.

6. Somewhat more than half the breakwater as proposed by Sir John Coode has already been completed and the whole pill, it is supposed, be out of hand in about four years more.

7. Considering the high authorities ranged on both sides of the discussion and our own want of local knowledge it would be out of place to express any opinion as to the merits of questions at issue. At the same time we feel no difficulty in saying that the work executed not only admits the application for which Coode and the Officials has hitherto granted the money

Mr. Kyle.

8. That chiefly struck us in reference to the work already carried out was not only the massive section given to the breakwater which commences with more than double the width of that at Madras, there being 120 on the rock to the height of 12 feet above, and an interval of the same width packed with pebble stone, and lastly on the harbour face a pell consisting of single concrete block of the same dimensions all 50 feet in width, while as the Govt are aware the Madras work has only a small standing on the pebble base consisting of 2 concrete blocks and measuring in the aggregate

* The post seawall from the Battenberg Bastion advances 665 feet and parts the junction line of the port and pier, from this seawards the 50 feet pell advances 627 feet after which commences the 44 feet wall of three block with no intermediate span.

24 at top, 28 at bottom in thickness.

9. In addition we found that from the action of the sea during the S.W. Monsoon it is held to be necessary to further protect the seaface by tipping in masses of pierre perdue the majority of the stone so placed (very hard granite) being of large size, the intention being apparently to establish all along the face an outer rough stone pavement which when settled down shall rise to about 8 feet below M.S.L.

10. It is needless for us to say that the work thus carried out presents a very different section to the Madras work (see annexed sections comparing the two works.)

11. The manifest is no doubt in great degree precipitated [illegible] by the projection which [illegible] the general line of the breakwater face [illegible] the direction of the sea during the S.W. Monsoon, to the following [illegible] it is opposed, & 2nd to the violent [illegible]

in which the seas apparently break on the Spanish work along the line of which the work is carried.

12. The two cases are not therefore altogether comparable and it would not by any means follow that the difference in section indicates any radical difference in power of resisting the forces to which the breakwaters are respectively exposed.

13. At the same time we think it would not be out of place now that the Madras work has been advanced so far towards completion (without however during its construction having had to sustain the shock of any very heavy gale or cyclone sea) to ask the projector Mr Parkes to explain his own views as to the difference in section in the two works.

14. It would no doubt be satisfactory to Government and the public if he were distinctly to affirm his opinion that the different circumstances

* Mr Hyde mentioned the fact that after the portion S.W. Monsoon the outer portion of the breakwater 470 feet in length 14 feet had been found to have been gradually pushed inwards by the action of the sea to the extent of fifteen inches at the outer end, a remarkable testimony to the [illegible] forces of the sea during [illegible] monsoon weather.

24 a

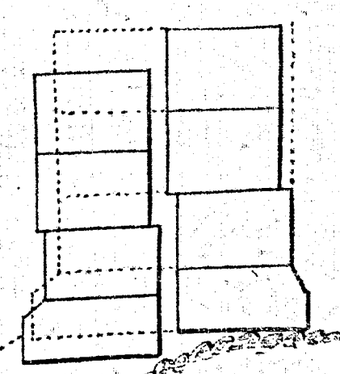
9. of the Marine Work are such as to enable him to pronounce definitely his conviction as to its stability not only in regard to the shocks held to be sustained by the sea in a moderate sea cyclone, but also in case of a heavy ship lying at such time driven against the breakwaters as now constructed.

15. Viewing the extra protection now being given as above noted to the Columbs work by means of rough stone on the sea face it would be desirable to know whether some similar operation might not be wanted particularly along the Eastward portions especially the Northern Arm of the Marine Work.

16. It is perhaps as well that this point should require attention as it will be seen by the observations (see footnote for ready reference) contained in his report of the 14th January 1881 printed with G.O. of 31st ultimo No. 256 & that during the rough

weather of the 21st November, the upper portion of the rubble base, having, as reported, been scooped out by the sea action at the end of the North pier, the two outermost Concrete

& "This sea is also especially noteworthy, because by it, for the first time, have some blocks fairly set at the proper depth and on a clean rubble foundation been disturbed, thus affording some direct evidence of the limits of stability of the work. At the north pier the push of water round the end was sufficient as to scoop out a hole in the rubble at the foot of the block into which the end block dropped down about 3 feet, being at the same time laterally displaced slightly as shown in sketch. The pier clamps by which they were attached to the third row behind them were not broken, and that row and the one intermediate between them were not disturbed.



"The great adverse effect of the sea on the completed portion of the North Spur was to strip off the rubble from the top, but the effect only extended for the length built since the last heavy sea in November 1879. In the older portion it was not disturbed. The cause of this difference was apparent on examination of the block themselves. They had evidently been subjected to a pounding action by striking against one another to such an extent as in some cases to form indentations 4 inches deep. To produce this result the whole structure must have been in a state of violent vibration, and this would break the connection between the tops of the individual blocks and the contiguous rigid railway laid upon them. When the block work has once been subjected to this vibrating action it becomes consolidated and rigid, and the railway maintains its connection with it. The sea does not appear to have caused any general subsidence.

"Reverting to the subsidence of the end blocks, it may be well to point out how this bears on the sufficiency of the design for the permanent pier head. The weak points in the temporary termination are evidently the following:-

1st Rubble stone at rest not below the surface, is not proof against the scour of a wave impinging round the abrupt end of the pier.

2nd The abruptness of the end increases the force of the scour.

3rd The blocks have a fall of only 4 feet 6 inches, their own thickness, in the subsidence.

"Now, though the exact form of the whole of the permanent pier head is not yet determined yet some features have long been settled on: - as the temporary one

blocks which had shortly before been set "dropped down" about 3 feet, and would in all probability have fallen had it not been for special precautionary arrangements previously adopted by the Superintendent of the Works, thus shewing that under certain conditions the superincumbent stands down to the rubble base, and that too, in weather which although rough, cannot be said to compare with that may be looked for in a cyclone of great intensity.

17. The inquiry now raised appears to me to be the more important as Mr Parkes in his concluding words as quoted does not expressly guarantee the work against the effects of an extreme cyclone and further as Major General Walker when Chief Engineer purposely inserted an extra item of 2 lakhs of Rupees for the rubble base with the view of affording additional protection to the work.

18. In conclusion there is one other point to which it has a very direct bearing on all the harbour schemes along our coasts we desire to draw the attention of Government and that is the depth of water which with the present class of large vessel it is considered essential to secure at the entrances of all such.

19. Sir Colonel Fyers' proposed scheme, modifying Sir John Coode's, the end of the breakwater is taken out to 35 feet depth of water, but as will be observed, the latter, in the following extract from his report on the Colombo Harbour, dated 16th June 1880, does not look upon this as sufficient, viz;

"In a case like the present, and more especially
"where there is such a small rise of tide,
"provision should certainly be made to admit
"of the safe entry and exit of the heaviest
"drafted ships at low water; thus the depth
"of forty feet provided for in design B may be
"regarded as the sailing working depth in this

1st - The depth of foundation of the blocks on the rubble will be 30 feet instead of 22.
2nd - They will be set to project to seaward to the extent of 12 feet instead of 8 feet.
3rd - All the blocks exposed to the end bottom three courses will be set as headers with their ends instead of their sides exposed, so as to have a bolt in the work of 12 feet instead of 4½ feet.
With these additional elements of stability it is clear that the permanent portion will be proof against a much heavier sea than the temporary one

"entrance. If it is desired that the new harbour
"should be adapted for the reception either for
"coaling or other purposes of the ships of Her
"Majesty's Navy, during the South West
"Monsoon, it will be necessary that a
"depth of not less than forty feet shall be
"available in the entrance. The draft of an
"ironclad may be put down at twenty eight
"feet, and of the largest of the merchant
"steamers at twenty three feet. Adding eight
"feet for "send", or vertical rise and fall
"of a ship, during the South West Monsoon,
"and allowing four feet for clearance under the
"keel when at the lowest level, these figures
"give forty feet as the depth required in
"the entrance for the safe passage of the iron
"-clad and thirty five feet for the "merchant
"steamer"

20. It will be in the recollection of Govt

that during the discussion on the subject of the conditions which it was considered essential to secure in regard to the proposed harbour at Cochin, the Master Attendant gave it as his opinion that the breakwaters should at least be carried out into 30 feet water.

21. It is thus satisfactory to find that Experts of the high standing of Sir John Coode Exact even a greater depth, and as this matter has an immediate bearing on the question to be solved at Bombay, which forms the subject of our next report, we have thought it desirable to place his opinion prominently on record for the information of Government.

W H Marston
Captain, R. N. R.
Master Attendant, Administrative Dept.

2 May/81.

A M Lindenberg Colonel R.E.
Chief Engineer, N.W. Dept.

4 May/81.

P.H. 3256/11
2

No 1436 W.

PUBLIC WORKS DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

UNDER date the 8th June 1887

Read the following :—

Memorandum by the Chief Engineer S.W. Dept, Madras, & the Master Attendant, Administrative Dept Madras, on the Colombo Harbour Works.

(M.E. No — dt 2nd May 87)

Forwarded to Mr Parkes for such observations as he may desire to offer.

3/6/87

To
The Engineer-in-Chief in M.W.
Secretary to the Govt of India
Sept. in M. Works
Marine Dept
Read
22-6-87

Printed Correspondence relative
to the Colonies Northwest
Prop: of the Canso Legislative Council
Windsor and Report from Indian Department
Plans
Gov. No: 6570. 12 Sept.

93

05

3256

Estt. of 1881: 30 Items

PUBLIC WORKS.

Encl.

Encl.

Encl.

Encl.

R. O. 8 June 1881. No. 14362

Nos.

Colombo Harbour. Harb.
Memorandum by the Chief
Inspt Civil Engr &
Master Attendant in reference
to the — provided to allow
Parties for such observation
as he may desire to effect.

40
4