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The Jury System in Ceylon: Its Origins. and Incidence.

BY

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ALTHOUGH it is the general opinion that trial by jury was first introduced into Ceylon by the British the following extract from the "Instructions from the Governor-General and Council of India to the Governor of Ceylon, 1656 to 1665" would show that the system was in force in Ceylon in the 17th century under the Dutch Administration. The Governor-General Ryclof van Goens had been Governor of Ceylon from 1660 to 1675. He says:—"In reviewing the law cases it has been found that some mistakes have been made. The most serious of these is that for criminal causes, and even in cases where capital punishment was inflicted only four persons sat in the Jury. Yet the death sentence was pronounced! As this was apparently due to the want of qualified jurors, your Honour must avail yourself of the officials at Mannar in cases of this kind. . . . No sentence is to be pronounced without the unanimous vote of seven jurors. It has also been found that only one register is kept of the civil and criminal cases, a separate register of each is to be kept in future."¹

1. Vide pp. 76, 77. Translation by Sophia Pieters with Introd. by R. G. Anthonisz: "Instructions from the Governor-General and Council of India to the Governor of Ceylon, 1656 to 1665." Ceylon Govt. Press.

After the acquisition of the Dutch possessions by the British, Trial by Jury was granted on the advice of Sir Alexander Johnston, Chief Justice of Ceylon, by the Charter of 1810 to the Maritime Provinces "In the Indian settlements the right to sit on juries was originally confined to Europeans, in Ceylon the privilege was extended to every person of whatever class or religious persuasion in the first instance."¹

Sections 10 and 11 of the Charter of 6th Aug., 1810,² declare "whereas it is deemed expedient and beneficial that Trial by Jury in Criminal cases should be introduced into the *British* Settlements on the Island of Ceylon, subject to such Modifications as the State of the Settlements may require, We do hereby direct and ordain, that from and after the Publication of these our Letters Patent...our said Supreme Court of Judicature...shall issue Warrant or Precept...to the Fiscal...commanding him to summon a convenient Number... of good and sufficient Persons, qualified in such Manner as shall be regulated by Rules or Orders...for the purpose of trying all Offenders with whom they shall be charged at any such Sessions: and out of such persons so returned a jury composed of thirteen men shall be drawn by the Registrar. Provided always that it shall be lawful for our said Supreme Court in any case in which it shall appear to be necessary... for insuring a more impartial trial of any offenders to order and direct that the Jurors shall consist of *British* or *European*, or Natives, or of any such description of *Europeans* and Natives as shall be specified in any order made for that purpose."

Directions for drawing up panels of jurors were contained in a Proclamation of the 23rd Nov., 1811, issued by the Government of Ceylon.³ It directed the preparation of Jury lists "of all persons resident in their districts, who by their Character and Condition may be deemed qualified to sit upon juries, distinguishing them into their respective Classes and Castes; . . ." the classes referred to being according to the order issued to the Fiscal, "the several *classes* hereinafter mentioned, that is to say:

Burghers,

Native inhabitant, viz.: Sinhalese, Malabars and Moors to serve as Jurors for the purpose of trying all offences with which they shall be charged." The communal leaven which afterwards developed

1. Introduction of trial by Jury into Ceylon—J.H.C (ordiner), vide Saturday Magazine, March 21st, 1835. p. 106.

2. Legislative Acts of the Ceylon Government, 1853, Vol. I, pp. 124, 125, 126.

3. Vide cit. loc. p 135.

into racial representation in the Legislative Council had already begun its work. The official excuse for separate and water-tight compartments was that people of different "classes" and notably different castes could not freely mingle and communicate with each other if they sat together to try a prisoner. Nor did this differentiation of race,— "class"—and caste end here. The Mudaliyars of the Supreme Court who drew up the lists went even further than the Proclamation authorised. They took upon themselves to draw up in the case of the more advanced among the Sinhalese castes to whom alone they confined the privilege of sitting on juries, a "First Class" Jurors' list of officials or chiefs and a "Second Class" Jurors' list of non-official gentlemen of standing qualified to serve. The excuse was the same, though the matter was never formally submitted to nor sanctioned by the Government, that the officiating Sinhalese Chiefs, Mudaliyars and Muhandirams would not consent to sit on Juries nor consult on terms of equality with others who were not of their own official rank. Hence in addition to separate lists for each of the following castes: "Vellales," Salagama, Karawe, and Durawe, advantage was taken of the presence of the term "classes" in the Proclamation of 1811, which denoted "classes" of inhabitants as previously noted, for "First Class" Jurors' Lists and "Second Class" Jurors' Lists to be drawn up for each of those castes. The following list of the "1st Class Vellale Jurors" for Matara in 1812, the year in which the list was first compiled, is both interesting and illuminating.

"List of Vellales of the First Class summoned to appear as Jurors at the Session of the Supreme Court for the Province of Matara on the 9th day of July, 1812:—

1. Don David Jayatilleke Abesiriwardene Ilangakoon
2. Don Thomas Rodrigo Wiejeratne Siriwardene
3. Don Juan Abesiriwardene Ilangakoon
4. Don Constantyn Wickremesinhe Amereseekere
5. Henricus Christoffel de Corea Aberatne Siriwardene
6. Lambertus Perera Wiejesiriwardene Amerekoon Ekenayke
7. Hendrik de Saram Wiejeseekere Goeneratne
8. Dionisius Lambertus Perera
9. Dionisius Abraham Dissanayke
10. Gerard de Saram Wiejeseekere Abokoon Tillekeratne
11. Don Franciskoe de Sa Abewickreme Bandarnayke
12. Don Constantyn de Silva Dissanayke

13. Don Johannes Tinnecon
14. Don Diogoe Amereseegere
15. Don Johannes de Sa Bandarnayke
16. Abraham Perera Ekenayke
17. David Perera
18. Diederik Arnoldus Dissanayke
19. William Ferdinand Tillekeratne
20. Don Dinees Wieresinhe"

Hence for each of the castes there was a "First Class" list of Mudaliyars and Muhandirams only and a "Second Class" list of other qualified Jurors. In a few years time the "First Class List of Vellale Jurors" presented the anomaly of containing a number of mere Appuhamis, "gentlemen commoners," the sons and descendants of the original Mudaliyars and Muhandirams of the first list of 1812, while the "Second Class" list of Vellales contained the names of several officiating Mudaliyars and Muhandirams. The following extracts from the Jury Lists of 1829 will illustrate the position. In addition to the Mudaliyars and Muhandirams the names of several Appuhamis are included in the "Vellale 1st Class" list of Jurors of 1829 contrary to the principle and practice on which the original lists of 1812 were drawn up, *e.g.*:

- Don Hendrick Perera Ekanayke Appoohamy
- Don Hendrick De Alwis Goonetilleke Appoohamy
- Don Johannis Dias Abesinhe Appoohamy
- Don Cornelis Soedesinhe Appoohamy

In the "Vellale 2nd Class" list of Jurors occur among others the following names:—

- Abraham De Silva, Muhandiram of the Governor's Gate
- Don Bastian Perera Basnaike Muhandiram
- Isaak Coere Muhandiram of the Attapattoo
- Don Carolis 2nd Vidan Muhandiram of Matara
- Dereniyegelegay Louis Pieris Appoohamy of Galkisse
- Merinjegey Don Constantino Appoohamy of Wewala
- Wanniatcgay Migel Alwis Appoohamy of Borelesgomuwe
- Henadiragey Don Cornelis Appoohamy of Neuvagomuwe
- Hendrick Pieris late Vidan Aratchy of Pantura
- Attigelege Don Siman Appoohamy of Mirihane

In about 30 years there were as many Mudaliyars and Muhandirams in the "2nd Class List" as in the "1st Class List" which was as stated originally intended to be the list of *de facto* chiefs, and a number

of Appuhamis in the "1st Class List" who ought to have been on the "2nd Class List." The Mudaliyars and Muhandirams placed in the "2nd Class List" resented their exclusion from the "1st Class" or Official List. The matter was hushed up from time to time and prevented from being brought to the notice of the authorities by the periodical inclusion of the most recalcitrant of the malcontents. Eventually feeling ran so high and the scandal became so great that representations were made by petition to Government by some of the aggrieved Mudaliyars on the bringing in of a new Jury Ordinance in 1843. The order for "Class" differentiation was immediately withdrawn but it was subsequently suspended till the matter was finally discussed and adjudicated on, as the result of a counter petition by the Mudaliyars who wished the old system to continue.

The question of those in the "First Class Vellale List" to have the exclusive right of being placed in a separate jury list and to enjoy precedence was debated before the Legislative Council on Thursday, 21st September, 1843. James Stewart, acting Queen's Advocate (Attorney-General), was briefed by the exclusives and Richard (afterwards Sir Richard) Morgan appeared for the reformers. As was shewn, the separate panel was created on the footing that a "First" or official list of Chiefs (Mudaliyars and Muhandirams) was necessary and that the law authorised the differentiation. It was plain from the Charter, proclamations and mandates that the "classes" contemplated referred to "classes" of inhabitants, *i.e.*, "Burghers, Chetties, Moors," etc. The contention that the differentiation was made for practical reasons, that the officiating Chiefs (Mudaliyars) could not freely mingle with the others without loss of prestige and weakening of authority too disappeared by the "1st Class Lists" containing the names of a number of Appuhamis and the "2nd Class Lists" a number of Mudaliyars. The position the "exclusives" were compelled to fall back upon that entry in the original list of chiefs of 1812 was based on and constituted a hereditary patent of nobility was palpably untenable. The accident of having held a "Chief Headmanship" in a particular year, *i.e.*, 1812 would not entitle his descendant to have his name inserted in an official list of Chiefs nor connote that his progenitor belonged to a privileged class.

Richard Morgan accepted the challenge and proved by the testimony of Dutch records, etc., the untenableness of the pretensions of the "First Class" jurors to claim precedence either by law or custom.

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This view was endorsed by the Legislative Council and a New Ordinance was passed abolishing all distinctions including those of caste and dividing juries upon the basis of language.¹ The original Charter of 1810 had since been superseded by the Charter of Justice of 1833. The Ordinance No. 9 of 1844 "for determining the qualifications and making other provisions in respect of persons liable to serve as jurors and assessors" enacts "that every free man . . . between the ages of twenty-one and sixty years . . . who shall be of sufficient intelligence and respectability, and shall be able to speak any of the languages following, *i.e.*, English, Singalese or Tamil . . . shall be qualified and shall be liable to serve as a juror and an assessor in the Supreme Court" It also provided that the Government Agents, etc., should prepare "three several lists" of all residents qualified to serve as jurors.

"A list of persons who can speak the English language.

A list of persons who can speak the Singalese language.

A list of persons who can speak the Tamil language with the right of election of those who can speak more than one language."

It was further provided by section 15 that the "power of making Rules and Regulations concerning the summoning, empanelling and challenging of jurors"² should be exercised by the Supreme Court as vested by the Charter of 1833.

1. Vide Life of Sir Richard Morgan, vol. 1, pp. 120-127: also *Observer, Chronicle* and *Ceylon Herald* of the period.

2. Legislative Acts (1833-1852), vol. 2, p. 241: see also Ord. No. 20 of 1852, section 4

Root-Words of the Dravidian Group of Languages.

BY

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THE root-theory of the origin of languages is nothing new. It is as old as Yaska, who flourished probably a century before Plato. In his Nirukta, this ancient etymologist anticipated our modern philologists by trying to reduce a large number of Sanskrit words to their primary crude forms. All the word-origins propounded by Yaska cannot, of course, be accepted in the light of our present knowledge. But the fact that he endeavoured to trace out roots for all words is remarkable; and by the power of analysis he displayed in dealing with language, and by the general principles governing that analysis which he formulated, Yaska ranks as the father of the science of Etymology.

What are Roots?

Every language has its interrelated groups of words. On close examination, it will be found that all the members of these different groups stand in the relation of derivatives to certain common forms, more primitive and simple in structure. To these common elements we give the name of roots or word-elements. Here we may quote the words of Max Muller who, indeed, wrote at a time when comparative philology was in its infancy, but whose remarks on the point are still true. Speaking of the Indo-European family of languages, (otherwise known as Indo-Germanic) he says: "With us, speaking inflectional and highly refined languages, roots are primarily what remains as the last residuum after a complete analysis of our own dialects, or of all the dialects that form together the great Aryan mass of speech. But if our analysis is properly made, what is to us a mere residuum must originally, in the natural course of events, have been a real germ; and these germinal forms would have answered every purpose in an early stage of language. We must not forget that there are languages which have remained in that germinal state, and in which there is, to the present day, no distinction between a root and a word. In Chinese, for instance, *ly* means to plough, a plough, and an ox, *i.e.* a plougher; *ta* means to be great, greatness, greatly. Whether a word is intended as a noun, or a

verb, or a particle, depends chiefly on the position which it occupies in a sentence. What does this show? I think it shows that there was a stage in the growth of language, in which that sharp distinction which we make between the different parts of speech had not yet been fixed, and when even that fundamental distinction between the subject and predicate, on which all the parts of speech are based, had not yet been realised in its fullness, and had not yet received a corresponding outward expression... . If it is admitted that every inflectional language passed through a radical and an agglutinative stage, it seems to follow that, at one time or other, the constituent elements of inflectional languages, namely the roots, were, to all intents and purposes, real words, and used as such both in thought and speech.”¹

The same writer thus explains the existence of groups of words in different languages: “As the early ideas are more simple and primitive, they are expressed by more simple and primitive roots, whereas complex ideas found expression in secondary radicals. Thus ‘to go’ would be expressed by *sar*; to creep by *sarp*; to shout by *nad*; to rejoice by *nand*; to join by *yu* or *yug*; to glue together by *yaut*. We thus find in Sanskrit and in all the Aryan languages *clusters of roots* expressive of one common idea, and differing from each other merely by one or two additional letters, either at the end or at the beginning. The most natural supposition seems to be that which I have just stated, that as ideas grew and multiplied, simple roots were increased and became diversified.”²

Dravidian Roots.

In the case of the languages of the Indo-European group, however, it is exceedingly difficult to arrive at their root-words, owing to their highly inflected, *i.e.* transformed character. European philologists have to feel their way with much uncertainty and rest satisfied with inadequate results. “We cannot” says Skeat, “by reasoning backwards, always be certain that we shall arrive at the true original form; it may happen that we may come very near it without precisely hitting the bull’s-eye. This seems to me to be a matter of considerable moment; for in comparing the various Indo-Germanic forms of a word, with the hope of arriving at the true Indo-Germanic type, we can hardly be quite sure that there may not have been some deflexion from the original form at the outset. And, in such a case, as the said original form is absolutely

1. Science of Language II, 378-381.

2. Ibid. page 406

inaccessible and unrecorded, we must be content with such a result as the evidence seems to conduct us to.”¹ In fact the original forms or “roots” which philologists have reconstructed for the Indo-European languages are, in the generality of cases, imaginary words coined by a comparison of inter-linguistic forms. They are not to be found as separate words in any of the languages compared. A notable fact with regard to Sanskrit may be mentioned here. Ancient etymologists, following a process similar to that now employed by modern philologists, took into their heads to coin quite a number of verbal roots in order to explain nominal forms, and to assign some etymon to them. Words that never existed in the language were thus arbitrarily created, and this artificial element came to be incorporated into a later stage of language, that is, classical Sanskrit.

On the contrary, the Dravidian speeches have no need for such artificial and haphazard treatment. When we examine them scientifically, we easily arrive at their original elements or roots, which are themselves real words once current in an early stage of those languages, some of them being still in every day use. Caldwell had remarked this to a certain extent; for he wrote: “There are many words in the Dravidian languages denoting primary objects which are identical with, or but slightly altered from, existing verbal roots possessing a more generic signification. What is specially noticeable is the smallness of the change the roots have undergone in the Dravidian languages. One might suppose the name of the object to have been affixed to it only a few years ago. These languages present, in consequence, the appearance of fresh youth, yet doubtless, the true inference is that they have remained substantially unchanged (possibly in consequence of the high cultivation they received) from a very early period. The change effected consists, in general, only in the addition to the root of a formative particle, or in the lengthening of the included vowel of the root. Either way, the name of the object is simply a verbal noun with the signification of a noun of quality.”² The verbal roots referred to in this quotation will themselves be transparent to the student who endeavours to detect their component elements with the help of the sound-laws of the group. The ultimate roots, which the present writer has been fortunate in recovering, throw a flood of light not only on the linguistic group of which they are the elements, but on other groups too, as will be pointed out during the course of this paper.

1. The Science of Etymology, p. 33.

2. Comp. Gram. of the Dravid. Lang. p. 194.

How they were Recovered.

Dravidian root-words or linguistic elements are, as already noted, real words found in the different members of the family. They were recovered, probably in entirety, by a very simple, if laborious process. A sufficient acquaintance was first made with the phonology of the family. Then came the separating of all single words into interconnected clusters or groups. This, of course, meant going through a whole vocabulary, examining each word in its original sense and historical development, sifting, classifying, grouping and regrouping them over and over again. As it was not possible to repeat this laborious process for all the members of the family at the same time, the work was confined to the vocabulary of the Tamil language. In this task the new Tamil Lexicon of the Madras University, now approaching its completion, was of great service to me, in spite of its many imperfections on the side of etymology, especially its faulty arrangement of the senses of words. More help was occasionally derived from the excellent word-indices of early Tamil works edited by Dr. V. Swaminathaiyar.

The reason for taking my stand on Tamil was that this dialect has preserved the characteristics of the group in a remarkable way, and its word-forms present an excellent working hypothesis, thanks to their symmetry and regularity. This is probably due to the fact that Tamil possesses a more ancient written literature than the other members of the group, as also to the fact that it has always fought, pretty successfully, against undue Sanskrit influence. The geographical position and the consequent political seclusion of the Tamil land have also probably contributed not a little to the conservative nature of the language. I am aware that Telegu scholars, while admitting that the literary monuments of that tongue are far later than those of Tamil, find reasons to contend that the former is a more ancient representative of the Dravidian group. Kanarese, Malayalam and Tulu, admittedly later in their development as literary languages, and non-literary dialects such as Kurukh, might also claim to possess earlier forms than Tamil. It is foreign to our present purpose to discuss the respective merits of these sister dialects. If Tamil forms were made, as a rule, the basis of my study, it was as a matter of convenience. The other dialects, however, were not neglected, and the best literary and lexicographical aid now available was pressed into service, for dealing with the more primitive forms retained by them. It is clear that a

comparison of the forms presented by the various dialects is indispensable for a study of this nature. Caldwell who adduces six plausible reasons for assuming that "the Tamil language was of all the Dravidian idioms the earliest cultivated" says that it is "highly probable that in the endeavour to ascertain the characteristics of the primitive Dravidian speech, from which various existing dialects have divaricated, most assistance will be furnished by Tamil. The amount and value of this assistance will appear in almost every portion of the grammatical comparison on which we are about to enter. It must, however, be borne in mind, as has already been intimated, that neither Tamil nor any other single dialect, ancient or modern, can be implicitly adopted as a faithful representative of the primitive Dravidian tongue. A careful comparison of the peculiarities of all the dialects will carry us up still further, probably up to the period of their mutual divergence, a period long anterior to that of grammars and vocabularies; and it is upon the results of such comparison that most dependence is to be placed."¹

I am glad to note that this view is supported by a modern philologist of note, Mr. L. V. Ramaswamy Iyar who writes in the *Anthropos*:² "Among the literary dialects of the south, Tamil possesses rich literary material some of which dates back to a very early period; and the philological aspects of this material have been fairly fully worked out by Tamil scholars. The existence of textual and inscriptional evidence available in Tamil in a large measure, and in Telugu and Kannada in a lesser measure, is undoubtedly of great value to the Dravidist; Though Tamil is the vehicle of a great literary culture, a comparison of the linguistic features of Tamil with the dialects of central and north India—and this comparison can be fruitfully instituted in respect of a fairly large number of features—even in the absence of such an intensive analysis of these lesser dialects as we would desire, would reveal that Tamil retains, generally speaking, a greater number of conservative features than any of the other dialects of Dravidian. It is not suggested that ancient Tamil represents the Proto-Dravidian speech in its entirety or that no significant changes of an independent character have been evolved in this dialect; but the systematic comparison of the phonology, morphology and vocabulary of old Tamil with the non-Tamil dialects (so far as data concerning these

1. Comp. Gram. p. 87-8.

2. Vol. XXVI. pp. 743-4

latter are available to us), does reveal that in a very large number of respects, certain features preserved in Tamil are more conservative than those of the other dialects. This conservatism is evident particularly in word-formation, tense-construction, pronouns, numerals and syntactical features. The unique variations of Tamil are confined to a few aspects of phonology and to the permanisation and enlargement of certain grammatical features. If then, on the whole, we may regard old Tamil as being more related to common Dravidian (there is here no question of Ur-Dravidian of which we can possibly gain no idea at all), the Dravidist has something firm to rely on, in as much as old Tamil furnishes him with a rich wealth of forms and features as a *point de depart*. Complicated changes such as have altered beyond recognition the original structure and meanings of Indo-European words within the period that has been intensively studied by European scholars, are remarkably few in Tamil. The real difficulties in this matter appear only in the sphere of the different lesser dialects which have evolved peculiarities of their own after the period when, presumably, they shared common features with the southern dialects; but even here all that we at present know would definitely indicate that the evolution has nowhere been so phenomenal or rapid as in Indo-European."

When the task of arranging all single words of the Tamil language into groups—comparing them, where necessary, with similar forms in the sister dialects—was completed, it was found that the number of original root-words heading the various groups were probably not more than a hundred and that they, in their turn, fell under four classes, distinguished by their initials which coincide with the four deictic vowels *a, u, i* and *e*. A tentative list of the more frequent word-elements of the Tamil language, as arranged under the deictics, will be found in an earlier paper.¹ But the question will be asked: How can we be sure that the word-elements in question are the roots of the Dravidian family? Roots of a language are those crude forms of words which represent the most elementary ideas conceivable—forms incapable of further analysis. Now, how do you establish that the forms you have found are of this nature? Such is the difficulty, which I shall now try to explain.

(To be Continued.)

1. Journal of the Royal Asiatic Society, Ceylon Branch, Vol. XXX, pp. 417-18.

The British Monopoly of Cinnamon.

BY

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“THE Helen or the Bride in Contest of this Isle,” said Baldaeus, “is the finest and purest Cinnamon.”¹ As between the Portuguese and Dutch, the desirable prize was the lucrative trade in this commodity.

The cinnamon of commerce is the inner bark of a small, evergreen shrub, native to Ceylon. The cultivated plant grows to the height of about six feet, and generally has about ten shoots. It flourishes best on a light, sandy soil, to an elevation of 2,000 feet; and is confined to the moist low-country south of the Chilaw river. Up in the Kandyan highlands, and in the Northern and Eastern districts of Ceylon, there is little or no cinnamon. What little grows in these regions lacks that particular quality and flavour which had given, and gives, a world-wide fame to the cinnamon of the Island.

Ceylon Cinnamon of the finest quality is a very thin, smooth bark, with a light-yellowish brown colour, a highly fragrant odour, and a peculiarly sweet, warm and pleasing, aromatic taste. The spice is principally employed in cookery, as a condiment and flavouring material, being largely used in the preparation of some kinds of chocolates and liqueurs. It is also used in medicine as a cordial or stimulant, and in the manufacture of incense.²

Early History.

The trade in cinnamon traces back to an early period. In the first century of the Christian Era³ the commodity used to be transported to Rome, by way of the Red Sea. Before the nations of Europe found their way to the East, the Arabs and Moors controlled this trade, and supplied the spice to the West. The Eastern trade was largely in the hands of Malays.⁴

1. “Description of Malabar, Coromandel and Ceylon.” 822.

2. For the uses of cinnamon, I have drawn on the Encyclopaedia Britannica, and “Spices,” by Henry N. Ridley.

3. “Ceylon * the Portuguese Era.” ii, 58.

4. C. O. 54. 56. Dr. Marshall’s Memo; enclosed in Brownrigg to Bathurst, 8th June, 1815.

When the Portuguese gained a secure foothold in Ceylon, they early established a monopoly of the spice. At first they drew it in the form of tribute from the Sinhalese kings,¹ who appear themselves to have established a species of monopoly,² (though they seem never to have realised the commercial importance of the commodity).³ Soon the Portuguese contrived even to limit the exports by the native monarchs,⁴ and forbade its unlicensed collection in the districts that they themselves controlled.⁵ Finally, in 1614, the trade was declared by them to be a strict royal monopoly, and heavy penalties were enacted against its infringement.⁶

The Dutch, in turn, followed in the steps of the Portuguese. Their attitude was naturally in keeping with their general monopolistic policy. Only, their system was more rigid than that of the Portuguese, and their enforcement and supervision closer and more drastic. They were the real authors of the infamous cinnamon code. For though the Portuguese were the original promulgators of some of the laws, the Dutch so expanded the code and tightened its observances, that it grew in scope to be far beyond anything the Portuguese had contemplated.

The securing of the complete annual investment of 10,000 bales engrossed almost the entire attention of those of the Dutch Company's officers who desired to win the approbation of the Directors at home. Unfortunately for the Dutch, the major portion of the cinnamon investment had to be collected in Kandyan territory, only some 1,600 to 1,700 bales being available in their own territory.⁷ Hence derived that policy which subordinated national self-respect and political integrity to commercial greed. Every year, a special embassy had to be sent to Kandy to secure with abject genuflexions the right to collect it in the King's dominions; and every year the cinnamon had to be fetched like "a fire-brand from the fire" with heart-burnings and anxiety as to whether it would be in time for the sailing season.⁸

1. "Ceylon—the Portuguese Era." ii. 58.

2. *Ibid.* i. 89.

3. Tennent.

4. "Ceylon—the Portuguese Era." ii. 59.

5. *Ibid.* ii. 60.

6. *Ibid.*

7. Bertolacci. 241.

8. "Ceylon and the Hollanders." 97.

"In the whole of India," wrote Schreuder, "no product is so miserably ill-conditioned. . . . If one knew the difficulties and inconveniences it occasioned, how the Company from time to time humbled itself to the whimsical Court for that small bark, and what we have suffered for it, one would acknowledge that the collection of the cinnamon finally depended on a phantastical Prince and the whimsicalities of his covetous courtiers."¹

This humiliating dependence ultimately drove the Dutch to the cultivation of the spice. Hitherto, the plant had grown wild. It was even believed that the cultivated commodity was inferior in quality.² As subsequent events proved, this belief was a delusion.

In 1769, De Kok, the Dissawe of Colombo, suggested to Governor Falck the experiment of making a plantation on the Company's lands.³ Though rebuffed by the suspicious Governor, the Dissawe made the experiment at his own expense. His success was complete.

It was Governor Van der Graff, however, who was responsible for the extended application of the idea. Every measure he proposed was, indeed, countermanded by the authorities at Batavia. "For one hundred and fifty years," argued the Government of the Dutch Indies, "Ceylon has supplied the requisite quantity of cinnamon. The expense was ascertained and limited. Why then this change?"⁴ But Van der Graff ingeniously circumvented their orders.

By promises of honours, medals and presents, he induced the Mudliyors to undertake the cultivation of the spice. Rich individuals, and those in Government employment, followed their example in the hope of advancement or reward. Nor were they disappointed. Honorary titles, grants of land, and allowances of grain from the Company's stores, were freely made and given.⁵ Grants of land were also made to individuals on condition of planting a third of them with cinnamon.⁶ Thus, the number of plantations made for the Company increased with great rapidity. So much so, that, in 1793, when the Company's failure to send the annual embassy precluded the collection of cinnamon in the Kandyan country, the year's shipment was entirely supplied from the

1. Ibid. quoted.

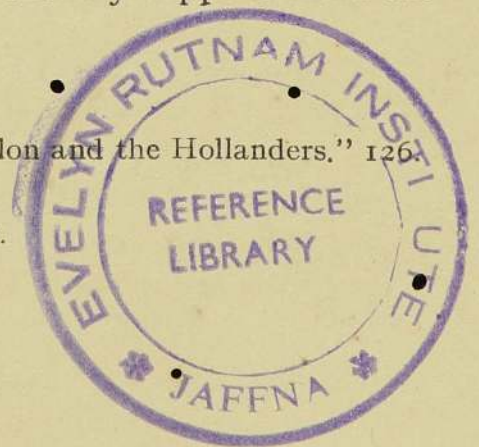
2. Bennett, 68.

3. C. O. 55. 2. De Meuron's report. Also "Ceylon and the Hollanders," 126.

4. Ibid.

5. Ibid. and "Ceylon and the Hollanders," 126.

6. De Meuron's Report and Joinville's Report.



Company's own territory.¹ Moreover, the number and variety of the plantations rendered efficient management and administration difficult. To meet this contingency, the suggestion of Mudliyar Abeysinha was adopted. In 1791, the plantations were allotted among the Chaliyas, who were to be responsible for their condition, and to pay their annual quota or duty from the produce.²

The Cinnamon Department.

The Portuguese and Dutch organised a special department for the administration and management of cinnamon. At its head was an European officer known as the chief of the Mahabadda, or, commonly, the Cinnamon Captain. He had an establishment of subordinate native officers of the Chaliya caste, denominated Mudliyars, Muhandirams, Aratchies, Canganies, and Lascoryns. All Chaliyas were under his control.³ The responsibility of collecting, preparing and embalming the annual cinnamon investments rested on him. His powers were both executive and judicial. All the members of the Cinnamon Department were, in the first instance, under his jurisdiction.⁴ He tried minor offences where Chaliyas were involved, and could punish them with fines, blows on the back with clenched fist, or enshacklement.⁵ The headmen he could not try, but reported them to be dealt with by the higher authorities. In cases of major offences committed by Chaliyas, he handed them over for trial by the chief authorities of the nearest station.⁶ The Cinnamon Captain regulated the labour of the Chaliyas, their recompense, and their police. The registers of the caste, detailing their numbers, lands and plantation, were in his care, as also the necessary surveyors' plans. A monthly report of the labour employed, and the quantity of Cinnamon prepared in each district, was made to him by the headmen.

The chief of the native officials was Maha-Vidane or First Mudliyar of the Mahabadda. He was stationed at Colombo, and was the channel of communication between the Cinnamon Captain and the headmen in the districts and plantations. In other words he was the native executive head of the department. Next in the scale were the three Mudliyars of the districts. These were responsible for the police and

1. "Ceylon and the Hollanders" 147.
2. Ibid.
3. De Meuron's Report.
4. "Ceylon—the Portuguese Era." ii. 65.
5. Ibid.
6. Ibid.

administration of the Chaliya villages; one, of those in the district between Chilaw and the Bentota river; another, of the villages in the Galle district; and the third of those around Matafa. They were responsible for the rolls and registers of the districts in their charge, and for calling out the labourers and peelers when necessary. Below them were the inferior headmen and Liyena Ralas of the villages, through whose agency they performed their duties and executed the orders which they received from Colombo.

Apart from these officials were the Mohandirams, who superintended the various plantations. Their responsibilities and powers were similar to those of the Mudliyors of the districts. They attended to the production by the peelers of the necessary quotas of cinnamon, and to the upkeep of the plantations. The lascoryns, or guards and watchmen, the workmen and the peelers, were subject to their orders. Subordinate to them were the Aratchies or Maharalas, or Mahadurayo, who each commanded a ranchoo of fifty men. Each ranchoo had two Canganies or Kudadurayo.

The Salagama Caste.

The labour of the Cinnamon Department was the hereditary duty of the "Chaliya" or Salagama caste. The early history of these people is obscure. According to the traditions of the caste, they had emigrated from India in the thirteenth century.¹ At that time their main occupation had been weaving. The existence of a large number of Chaliya weavers even in the early nineteenth century supports this claim.² So, too, certain privileges which the caste possessed, point in the same direction.³ Their position in the social scale was a matter of controversy. The claims of the Chaliyas were consistently opposed by the other castes, but it is sufficient to note that the British Government, no doubt on the information of its native advisers, held them to be low in the social scale.⁴

Though originally weavers, the Chaliyas had gradually engaged in the cinnamon business. With increasing specialisation, they became skilled workmen; and, when the Portuguese monopoly was established,

1. Bertolacci, 43. C. O. 416. 5. 32. "Extraction of the Chaliyas Caste."

2. Bertolacci, 43. "Besides their occupation of cultivating and peeling cinnamon, the Chaliyas are almost all weavers; and in the Southern parts of the island, which are peopled by the Ceylonese proper, there are no other weavers but the Chaliyas."

3. Cloth manufactured by the Chaliyas was duty free.

4. C. O. 57. I. North to Cf. of Directors, 26th February, 1799.

they had grown to be indispensable. In the mould that was then shaped the destiny of the Chaliyas was thereafter cast; and, whatever their true social position, their economic importance was thenceforth unquestionable.

The Chaliyas were divided into three broad groups—Mahabadda, Ruhunabadda, and Hoolanbadda.¹ The people of the Mahabadda group occupied the villages of Welitara, Kosgoda, Madampe, Akurala, Ratgama, Dadalla and Lanumodera in the Galle District. Nauroone, Talalla and Dickwella, situated within the limits of the ancient Matara Dissavony, were the home of the Ruhunabadda class. Lastly, in the coastal region between the Bentota river and Chilaw, in the villages of Kaluamodera, Kalamulla, Waskaduwa, Pothupitiya, Pinwatta, Uduwera, Ratmalana, Modera, Madawala Hambagama, and Katupiti Madampe, lived the people of the Hoolanbadda. "There are many other trifling villages," continues our authority, "which it would be needless to mention."²

It should be noted that the term "Mahabadda Caste" (*i.e.* Cast of the great rent) was used interchangeably with the term "Chaliya caste."

Over and above these three regional divisions, the Chaliya caste was also divided on an occupational basis. In each group there were four such divisions—Paniwidakara, Hewapanna or Lascreeen, Uliyakkara, and Kurundukara Chaliyas.³ The Paniwidakara people, as their name betokens, were messengers and runners. From them were drawn the principal headmen. They were also employed on commissions, etc. The Hewapanna people constituted the native Chaliya militia. They supplied the guards and watches of the cinnamon plantations; and formerly, recruits to the native armies which the Portuguese and Dutch employed. The escorts or attendants of the Superintendent and headmen were of this sect; and it was their duty to carry *olas* for their superiors. They also helped in clearing the plantations. The coolies who perform the manual labour of the plantations, the planquin and torch bearers, the baggage-carriers, in short, the general Chaliya workmen, other than the peelers, belonged to the Uliyakkara sect.

1. C. O. 416. 5. B2. "Extraction of the Chaliya Caste." This paragraph is based on this source. *c.f.* also "Ceylon—the Portuguese Era," ii. 63.

2. "Extraction etc."

3. C. O. 416. 5. B3. "Memorandum of the different classes of the Mahabadda." This paragraph is based on this and the "Extraction, etc."

The Kurundukara sect alone supplied the peelers. These formed, from an economic point of view, undoubtedly the most important section of the workmen of the Cinnamon Department.

The Paniwidakara and Hevapanna sects of the Mahabadda group seem to have held a pre-eminent position among the Chaliyas. From them alone were appointed the principal headmen throughout the Cinnamon Department.¹ The inferior appointments in the several groups were generally made from within themselves.² Even here, however, the Mahabadda people enjoyed certain rights. For, whereas the members of the Ruhunabadda and Hoolanbadda could hold appointments only within their respective groups, those of the Mahabadda might occupy posts even in the Ruhunabadda and Hoolanbadda.

From early days, in virtue of their special importance, the Chaliyas were accorded certain privileges. Nor did they fail to take any opportunity of improving these advantages. In times of political and military stress, they would harass the Government by threatening to strike, or actually striking work and fleeing to the Kandyan territory, unless their grievances were investigated and removed.³ Rather than add to its embarrassments, or risk the total loss of a lucrative source of revenue, the Government generally gave way.

Thus by the date of the British occupation of the Maritime Provinces, the Chaliyas had acquired extensive rights and privileges. These were summarized in a statement of "Chaliya Privileges" which was submitted in 1829 to the Commission of Enquiry.⁴

"The whole of the Mahabadda people are subservient to and governed by one head who is styled . . . the Cinnamon Captain and are not subject to receive the orders of any Chief of any other Department. Neither can any Chief of another Department either imprison or punish any of them. But in case they merit punishment for any misdemeanors against persons belonging to another Department, the Chief of the persons offended must apply to the Cinnamon Captain for redress; but in cases of criminality, it was customary to refer them to the Council or Judicial Court.

1. "Extraction, etc."

2. Ibid.

3. *e.g.* "Ceylon and the Hollanders" 39.

4. "Chaliya Privileges" in "Extraction, etc."

“In times when government were in want of men, they never could oblige the Chaliyas to serve them without first obtaining permission from the Cinnamon Captain.

“The Chaliyas were exempt from paying any taxes whatever, and were also excused from paying any rents of lands to Government; but those who reside within the precincts of the Forts were obliged to pay a duty on the Great Rents.... They were also obliged to pay a duty to the renters of the Fisheries, for fishing on certain parts of the sea coasts near the Forts.

“Their boats could go anywhere with a passport of the Cinnamon Captain.... without paying anything for their cargo, except for the.... articles of Great Rent. They could go (to the Lewayas) and take in a cargo of salt without paying anything, and they were permitted to sell it everywhere, except in such places as Government had a rent.

“All cloths manufactured by the Chaliyas were free of fee throughout the Island, transported either by sea or land.

“The Chaliyas were also exempt from paying any tolls at the rivers.

“If Government wanted provisions of any kind, they could not demand it from the Chaliyas as they can from other castes.”

Their villages were free, and not to be granted away or divided.¹ Their lands, trades and everything else they did were free from all manners of duties and taxes.² They could bring their produce to market in the towns without paying the Bazaar Tax.³ Chaliya fishermen might frequent the fisheries along the coasts and on the rivers without paying the customary rents.⁴ “They were the masters of Government forests about their districts, of which a man of another caste had no right to fell a tree or clear any part without their leave and approbation.” They were exempt from being pressed as coolies in time of war.⁵ Lastly—a privilege they prized highly—on the termination of the peeling season, they were entitled to appear in pomp and

1. “Ceylon—the Portuguese Era.” ii. 62.

2. C. O. 416. 5. B3. Gregory de Zoysa (Muhandiram of Cinnamon Department) on “Chaliya Grievances.”

3. “Ceylon and the Hollanders.” 39.

4. “Chaliya Grievances.”

5. C. O. 416. 5. B3. J. Maitland to R. Boyd, 27th July, 1814.

procession at Colombo for an audience with the Governor. The latter would hear their grievances in person, and, ere they dispersed to their villages, would confer ranks, honours and presents on the meritorious. "So he made it a practice to send them away delighted."¹

The 1827 Population Return gives the number of Chaliyas as 26,301, distributed as follows:—10,858 in the Colombo District, 13,095 in the Galle District, and 2,345 in the Tangalle District.² Of these, 16,489 were males,³ of whom some 2,800 were peelers.⁴ In this particular case there is no reason to doubt the accuracy of the figures. It certainly cannot be an under-statement; for, from early days, the Chaliya registers were very accurately, and even stringently kept.

(To be continued.)

1. "Chaliya Grievances." De Meuron's Report.

2. C. O. 55. 29.

3. C. O. 416. 5. B10.

4. C. O. 416. 5. B5.

Remonstrance of Marcellus de Bochouwer.
Documents bearing on the Transactions between the
Dutch and the King of Kandy, 1609-1617.

TRANSLATED BY

D. W. FERGUSON.

(Contd. from p. 565)

D. 44

Bochouwer to Council, 15th January, 1616.

Most honorable, wise, prudent and very discreet sirs,

I am presenting, for your honors' service and profit, this remonstrance, having well and maturely considered your honors' affairs in connection with Ceylon, as regards (since I became acquainted with everything during the time of my residence there) what profit the Company would be able to derive in gold, copper, iron, precious stones, indigo, wax, saye, arecke and all kinds of costly manufactures and a thousand-fold more things.

Also what damages it would be possible to do to the enemy towards the conquest of the Indies, what force it would be possible to bring out yearly of ships, galleys, foists and barcazoons, with very little or no expense, with what strength the island could be managed in war, what laws, condition, inhabitants and the affection they have for us, as also the provisions of the said Island, what forest roads, byways and passes, stony grounds, places, riches and revenues from the cinnamon forests of the same, and the rest, castles, towns, territories, kings dominions, forces and revenues, as well as a thousand-fold other things.

It is notorious enough to the honorable the governors and known to everyone of your honors as well as to the whole world that their illustrious noble mightinesses the states general of these united provinces made and concluded with the illustrious archduke Allvantes and Issabelle Clara Ingenie, dated 9 April, 1609, a truce or *treves* for the period of twelve years, in which, according to the purport of the missives of their noble mightinesses the states aforesaid dated 15 September, 1609, and of the high born prince his princely excellency dated

5 October of the same year addressed from Schravenhage to his majesty of Ceylon, his said majesty is included: which aforesaid missives were sent by your honors in the yacht *de Hasewindt*, informing him in the aforesaid missives that they were unwilling, without including his imperial majesty also in the aforesaid *treves*, to make any truce with the King of Spain and Portugal, on account of the old compacts or contracts made between his imperial majesty and us, to enter upon the mutual discussion of the truce aforesaid and to conclude it without expressly including therein his majesty, his lords and subjects as also the other kings, princes, lords, potentates, republics and peoples their allied friends.

They also stipulated for their towns and inhabitants not only free navigation, trade and commerce in all kingdoms, countries and peoples wherein and wherewith they and theirs had had navigation and trade before the war, but now also everywhere and without any exception in all kingdoms, countries and places with all kings, potentates, princes and peoples, with the express prohibition that the King of Spain and Portugal, his officers and subjects who are dependent, on him, because of what had been done and was still to do, or their subjects, or the kings, princes, potentates and peoples with whom their subjects had traded and treated or should yet trade or treat, should not be permitted directly or indirectly to cause any hindrance or obstruction thereto, so that his majesty as well as the other kings, princes, potentates, persons of high standing, republics and peoples in India and in other countries were included with their honorable mightinesses in the aforesaid truce for twelve years and by reason of the aforesaid were assured against hostility, so that if anything were interrupted directly or indirectly by sea or by land on behalf of the aforesaid king of Spain against his imperial majesty, his subjects and territories being in mutual alliance with them and theirs, his imperial majesty might rest well assured that they would be wanting in neither willingness nor ability nor in means of ships, ordnance, munitions of war or men, both from their own territories and also from those of the kings, potentates and other their allied friends who had promised them to conserve the aforesaid truce in all points and particularly in regard to his imperial majesty of Ceylon's subjects and territories and all others, in order to assist and defend his majesty, his territories and subjects, and to cause all wrong to be atoned for, and so to cause to be maintained whatever on their behalf was negotiated with his majesty and should further be negotiated all

of which is to be seen more fully from the missives of the aforesaid honorable mightinesses (presented to your honors in Nos. 1 and 2) sent by your honors to his majesty and delivered by me.

Your honors were pleased at the same time to endeavor with like earnestness to (enter) into agreement and contract with his imperial majesty of Ceylon to the service of the fatherland as well as the profit of their honorable mightinesses aforesaid and of your honors through the aforesaid missives sent by their honorable mightinesses to his majesty (by which) mutual trade was entered on and a contract was treated of.

And as the aforesaid was of great importance to the honorable the governors to their great profit by the subduing of our enemies and the conquest of India, the aforesaid island (being) the centre and our enemies' strength, therefore the honorable the president Jan van Wessick with the council on 3 December, 1611, at Paliakatte by resolution found good, in the service of the governors, to send the aforesaid missives of their high famed and honorable mightinesses aforesaid as speedily as possible to Ceylon to his imperial majesty for the furtherance and making of a contract with his majesty, the same to be indissoluble.

In the aforesaid council several persons having been proposed to be sent in embassy to his majesty for the execution of everything, to which persons the aforesaid council made objection as not sufficient enough to be used for such, since it was a matter on which much depended, and everything deserved to be very maturely considered, to the honor, reputation and service of the fatherland, their honorable mightinesses the states general and his princely excellency, and the profit of the governors; and so my person, being on the point of departure for the factory of Tegenapatnam, was stopped by the council, they choosing me to betake myself to Ceylon in embassy on behalf of their honorable mightinesses aforesaid. The same having been proposed by the president and council, I could not well consent to it, also refusing it, since there were other persons there who had been a long time on the Coast and knew it, and that it were better to send them thitherwards; as regarded any other service of importance to the company I was ready in everything. And so, moved by the arguments of the aforesaid honorable gentleman and his council, they setting before me what great service would accrue to the fatherland, their honorable mightinesses the states general and his princely excellency, and profits for the

honorable the governors, as the same was of much consequence, and in fine the end would tend to my honor and reputation hereafter, as well as many other persuasive, well-founded arguments, I was content at last to undertake the perilous journey for the furtherance and execution of the matters to the service and profit of your honors aforesaid, my service towards you displaying to all the affection and good, obedient disposition that I have towards the fatherland, without taking any thought of all the great labour, difficulties travail and perils that occur in such a journey.

After receiving the authorisation and instructions readily given to me by the president and council according to their pleasure, in order to carry out all that I should there find needful for the service of their honors aforesaid, to the making of a contract and otherwise, I set out, and after the honorable gentleman and council had accompanied me and conveyed me to the ship of his imperial majesty, and parting they ordered me verbally to be sure and give good heed to affairs, and if it was possible to conclude a very strong and profitable contract, as it was of great importance to the profit of their honorable mightinesses aforesaid altogether, the subduing of our enemies and the conquest of India, as also is true.

I told them all that I should do my devoir and utmost best in everything to the service of their aforesaid honorable mightinesses and the profit of the honorable the governors, as it appears I have done, as also a contract, I having made, concluded and in the name of their high-famed, honorable mightinesses the states general and his princely excellency confirmed, sworn to and signed in eternal, indissoluble peace and contract with his imperial majesty on 11 March, Ao. 1612, after my arrival in Candy, all of which is to be seen by the contract of peace No. 3.

In which contract and articles of peace I endeavored as far as was possible to me, for the advantage of the fatherland and their honorable mightinesses aforesaid and your honors' profit, to obtain from his majesty all that I could, as I was bound by honor and oath to do.

Having fulfilled and carried out my instructions in everything according to the concluded truce, contract and peace, I therefore begged my dismissal of his imperial majesty, in order to report fully by word of mouth to their honorable mightinesses and your honors everything regarding the state and situation of Ceylon as it was known to me; to which request I could get no assent, his majesty begging and intreating.

that for the service of my fatherland I should remain and reside there. Nevertheless I many times begged my release, but could not obtain it; and as the cargo must have been getting spoilt which had been left at the seaport with an assistant, and as afterwards I learnt that the Company's goods had been robbed by the Portuguese, the assistant being shamefully murdered by the said Portuguese, in order to deal therewith I kept continually begging my dismissal but receiving no assent to it. Wherefore I have had to continue there to this hour, during which time of my residence there I informed myself well, for the service of their honorable mightinesses and your honors' profit, of everything whatever it might be, as never before this has any accurate investigation been made by others of Ceylon, how serviceable it is, and what profit for the honorable the governors can be derived therefrom.

Not being able to obtain my dismissal, I sent the original contract as well as his majesty's and my missives to their honorable mightinesses, your honors and the honorable the general, as well as to the Coast, so that matters might be furthered to the profit of the honorable the governors: but during the four years that I resided alone in Ceylon in the service of your honors aforesaid I never received any answer to the contract or the missives, because of whom or through whose retention, God knows.

And as I was learning and finding by experience, familiarity demonstrating it daily, that very great profit and treasure for your honors could be derived from Ceylon, therefore I always told this to the president Wemmer van Berchum, and begged him to give good heed to the affairs and business of Ceylon in order to do service and get profit for the honorable the governors; to which he sent nothing but idle notes for the furtherance of affairs and as cargo and answer.

Perceiving that the aforesaid van Berchum was trifling with the affairs and was not endeavoring your honors' affairs or took them to heart, putting on one side the service and profit of the Company, but on the contrary was dilly dallying to the great injury and prejudice of the honorable the governors, seeking the hen's egg and letting the goose get lost, I therefore did not fail to use all diligence and endeavor, as also I have always done. Towards demonstrating what exceptional profit for the honorable the governors was to be made and got in Ceylon, I sent a cargo to the said president van Berchum, a copy of which I addressed to our masters and the general, at the same time recounting the great loss that the honorable the governors were suffering in

connection with the matter of Ceylon through the president, as is to be seen more fully from the missive No. 12 dated 3 March, 1614, and the invoice No. 11.

For the rest, how I have sought to further your service to your profit by informing him, you can see in the missives addressed to him No. 9 of primo March, 1614, and No. 13 of 29 ditto of the same year, as also by No. 10 written to Franck van der Meer, merchant at Tegena-patnam, on 2 March. In order that, in case the president was keeping back the missives he should not produce them to the prejudice of the Company after having perused them, I kept copies, so that attention might be paid to the matters to the service and profit of the honorable the governors.

On 9 March, 1612, also I sent a letter to the Portuguese in the name of their honorable mightinesses aforesaid warning them of war if they did not maintain and observe the *treves* beforementioned concluded between their illustrious honorable mightinesses the states general and the archduke Alvansic and Issabelle Clare Jugenie, as the honorable the governors can see more fully what passed by the same No. 4 and the answer of the Portuguese to the same No. 5. Although the same were long ago addressed to your honors as well as others, I do not know whether they came to your honors' hands or not.

(To be Continued)

Kandyan State Trial

EDITED BY

FATHER S. G. PERERA, S.J.

(Contd. from page 559)

After Mr. Turnour had been examined as a witness, he brought to the notice of the Court, as Fiscal, that several of the witnesses for the prisoners had already been admitted into Court on tickets of the prisoners' counsel certifying that their evidence had been waived, and that one of those tickets was dated the *preceding day*. Mr. Turnour also stated that he could not possibly hold himself responsible for preventing communication between the witnesses, when so great a number as 39 for the prosecution and 339 for the prisoners had been summoned—especially as those persons could not be kept separate after the Court adjourned, and possessed the unlimited means of communicating with each other till the Court opened next day. He considered it necessary therefore to inform the Court that, as regard the witnesses who could be tampered with, the order was nugatory; and as regarded the witnesses beyond the reach of such an imputation, the order was vexatious, and, he might almost say, insulting.

Mr. Staples admitted the difficulty of rigidly enforcing the order and stated that the principal object aimed at, was to prevent the rest of the witnesses being within hearing of the evidence given in Court.

Mr. Anstruther, *recalled*—I know the 6th prisoner;¹ he made a statement on the 20th of August, of his own accord, and at his own request.

The Governor, Mr. Turnour and myself were present when the statement was made; the statement was written down by me; Mr. Turnour interpreted from the Governor's English for the prisoner's correction. I am satisfied the interpretation was correct. The 6th prisoner's signature is affixed to the paper but not mine. The Governor read the statement to the Council—it is in my own hand-writing—there is an addendum of the Governor's.

1. 3rd prisoner, not 6th.

Statement Read.

“Dembewa Unnanse comes up at his own request—and is warned to use his own discretion in making any communication he has to offer, and to remember that whatever he may say will be brought against him.

States that he has some circumstances to mention respecting Dunuwille Dessave which he formerly forgot. About the month of May, 1833, a person came from Dunuwille Dessave to say, that he wished me to come to him. I went. He said to me he was very anxious to have a pair of elephant's tusks; I told him I had none. After urging me strongly to get him a pair, I asked for what purpose? He then said this Government was not to be endured and that steps must be taken to subvert it by means of foreign power. That he proposed sending an emissary and that with the view of disguising the object of his mission he wanted to make a collection of ivory and wrought ivory—this proposition frightened me very much and I came away telling him, in order to deceive him, that if I could find ivory I would bring it.

Cross-examined—Never did bring any; asked him repeatedly where him emissary was to go; he answered “That is no business of your's.” Never received any message from him of the same sort; have not taken an oath to any one not to disclose treasonable designs.

(Signed in Cingalese) DEMBEWA.”

(The Counsel for the prisoners objected to the Governor's addendum contained in the cross-examination being received, as a pencil was run through it.)

Examined by Mr. Staples—No person was sworn—I am not sure if the third prisoner was sworn before the Council. As far as I can recollect none were sworn; I remember one was going to be sworn, but the Council at that moment was not properly constituted.

3rd Witness—Ratnaykegedera Korale—I am a Korale of Harispatoo know the 1st and 2nd prisoners, received an order from 2nd prisoner after his return from Anooradhapoor, I could not attend to it—Immediately afterwards I went to the house of the Dessave, had a conversation with him; he said “An order was sent for you, why did you not come?” I said “I had business which prevented me from

coming. It was not sickness but other things which prevented me from coming." He answered "Never mind you are come at last." He asked me what I was doing then, and added, "It was for a certain business that I sent for you, you are a man of skill and influence, you have lived in the Walauwa from your infancy. The Government has raised the low caste people above us." I asked what could be done for it? He (the 2nd prisoner) then said, "If at any time you are sent for you must come; when you see a second order, come and we will let you know what we want you for. I do not recollect what he stated before. The Dessave said something about the Government. Government is unnecessary; it has raised low caste people; on that account when you receive another order you must come and I will communicate to you—He said we can destroy the Government; we can get people to do it. I asked "By whose assistance?" He replied "I will tell you when you come again." I did not know the meaning of the word assistance—Thereupon he told me there were others, armed soldiers, (Hewapane) in Kandy who would assist—did not stay long with Dunuwille, (2nd prisoner) went to him in the afternoon, and left him about two hours to night-fall. He told me to go and see the Maha Nilleme (the 1st prisoner) did not know why I was to see him; he did not tell me for what. I was to see him; he did not tell me for what. I went, and saw him at his house; had a conversation with him; not a long one. It was on the same subject. It was evening when I arrived there, I happened to go as he was descending from up-stairs; he asked me what brought me there, I answered, I came by order of the Dessave (2nd prisoner); he expressed his satisfaction at seeing me. "It was our wish to see a man of your influence; we will send for you again when we want you; Government is not good, we can establish another, a Cingalese Government, a Kandyan Government, by means of soldiers (Hewapane)." It was to receive assistance from me that I was wanted; nothing was said about other Headmen. I do not recollect of what other men he spoke. He (1st prisoner) then said, when we do anything we can have people on the spot, therefore come when I send for you. Whether to make war or for what purpose I did not know. We can get people here, we will explain what people when you come again. I was to come alone, not with others. I promised to go when ordered.

Cross-examined by Mr. Staples—I knew the Dessave, (2nd prisoner) I never was in the Army; I don't know how to command troops; never was in battle; I should not like to go.

(This witness was then cross-examined on the subject of some people having asked permission to carry cakes.)

I mentioned to the Government Agent that these men had received the Dessave's (2nd prisoner's) permission to carry cakes, never swore nor made any statement to anyone else. I know Mahawalatenne Dessave, have been to see him twice, went for nothing particular. Did not speak on this subject to him. I know why I am summoned. Kallogammuna Korale sent a message to me to come to Kandy, the message was brought by Nikkewa Henea, did not tell me the chiefs would not return to Kandy. I said Kallogammuna Korale sent for me and I came on that account. I know Mr. Rodney¹—I was asked if I knew anything about this case—did not tell him that I knew anything about the matter. He sent messages to all the inferior headmen—and I said generally, when the question was put, that I knew nothing about the matter—the Proclamation was read on that day—did not hear it said that those who gave information would obtain situations—such a thing was talked of from mouth to mouth; I did not believe it myself—Mahawalatenne did not tell me that those who gave information would get situations—do not expect one myself—gave the information for nothing. I do not expect any reward. I know Palameykumbora Leyanaralle,² he was dismissed from his situation, I don't know why or when.

4th Witness—Watterantenne Rate Mahatmea³—I recollect the adigar (1st prisoner) going on a Pilgrimage—saw him before he went, at his Walauwe in Kandy—went because I was sent for. He spoke of the Pilgrimage, said he was going through my Province, and told me to direct the Headmen in office to come and meet him with provisions. He said we are going on a Pilgrimage and gave me One Hundred Rix Dollars and directed me to give the same to Hettigedere Korale—that he could not bear any longer with the treatment of this Government and told me to take these One Hundred Rix Dollars to the Korale to furnish some people when required—There was more conversation which passed after the return of the Adigar (1st prisoner) from the Maha Wihare Temple—The Adigar first told me he was going on such an errand telling me to give the money to Hettigedere Korale to furnish him

1. John Stratford Rodney, C.C.S., 1825-1844: Agent of Government in the Seven Korales and Nuwarakalaviya North.

2. Palameykumbure Liyanralla.

3. Wattaratenne R.M., Harispattuwa.

people when required—Do not recollect anything about the Chiefs—was told by the Adigar to assist in this business and to come when called, and to tell the Korales that they should come with the people when sent for—this was in the afternoon after sunset. There was only one person, Wellimooney Korale, present—I do not recollect his saying anything else before he went to the temple—what I have stated took place when Molligoda and Dunuwille were together—I did not in consequence of this make any arrangement, I kept this money with me until their return from Anooradhapoorra to Ambettenne. I then sent for Hettigedere Korale and paid him the money, saying it was by direction of the Maha Nilleme—I called the Korale into a shed called Anameestry.

Q.—Why?

A.—How else was I to pay money like this? It was a thing to be transacted privately by me and the Korale.

Q.—Why?

A.—Because the Maha Nilleme told me to furnish some people. They said after their return some people would be wanting. The impression on my mind was to make war on the Government and this was said at the time: it was not only my impression, but it was also said at the time that people of Harispattoo were wanted for it. Dunuwille was present: he told me to tell the other Korales to come, he held the same conversation, that they were put to inconvenience by being deprived of their retinues by Government. I commit mistakes by being examined in this way and wish to give my statement from the beginning.

“Two or three days before the 1st Adigar (1st prisoner) went to Anooradhapoorra, he sent for me and told me the inconvenience they were put to—He also added that the Chiefs could not remain in submission to the Government; they were going to Anooradhapoorra, and on their return if they should require it people must be assembled. That Hettigedere Korale was the principal Korale in Harrispattoo, and told me to pay 100 Rds. to him as by his direction, and also to tell four other Korales to call at the Walauwe. It was then the 2nd prisoner told me to tell the other Korales that he would send for them—He mentioned Meddasiapattoo, Pallegampahapattoo, and Gallasiapattoo, Korales; Ooddagampaha, they said, being aged, Oondeyagedera could be substituted. I after this went to the village and met the Adigar (1st prisoner) on his journey; I know Kullagammune Korale, he bought provisions; the 100 Rds. were all this time with me. After the Adigar returned to Ambettenne he sent for Hettigedere Korale who said he would

come next day when I paid him the 100 Rds. I said it was by direction of the Adigar—then this Korale said that he (1st prisoner) told him at Ambettenne that he was to come to the Adigar's Walauwe—The Korale on this went away taking the money with him; when I gave him the 100 Rds. there were four fanams short, which were paid; the next day that Korale and myself came to Kandy, but not together; I came through Katugastota—I arrived at Kotugodella Temple the same night—I saw the Korale. He arrived after nightfall and came to where I was; when he came, both he and I went together to the house of the first prisoner—I went first, and the first prisoner addressed me saying: “When I returned to Ambettenne, from Anooradhapoorra why did you not come there?” I told him I could not come, I had business at the Fort and went there on that account. I said Hettigedere Korale was also there; first prisoner, then called the Korale—He was asked—“Did you receive some money?” he said—“Yes.” 1st prisoner further asked the Korale whether I had mentioned everything which he had mentioned to me to him; he said—“yes.” After this I went to the Temple and the Korale to his village. I told the Adigar that I had asked the headmen to come; the Adigar (1st prisoner) said the intention was to destroy the British Government and to establish a Government in the Kandyan form—The Korales were called for that purpose. I did not give them directions to go but asked if they had been to Kandy. They told me they had, and had seen the two first prisoners.

Cross-examined—I paid all that was given me to the Korales: it was not my intention to join in this war; what I heard I mentioned to the Government Agent; knew when the money was paid to me that a war was intended. Gave evidence but not with the intention of getting any reward. I paid the 100 Rds. to the Korale.

The conversation described took place some days, I think 10 days, before they went to Anooradhapoorra. I mentioned the circumstance to Mahawaletenne Dessave before I did to the Agent—it was known that these Korales had given information—was not told that I should get any situation if I gave information, which I first gave, I think, about seven months ago, after the prisoners had gone to Colombo—was not told that they would never be brought back, but that the case would be heard either in Kandy or in Colombo. Dunuwille was at Molligoda's Walauwe when I went there. I was called by some Vidahn, whom I do not recollect, he was not present when the money was paid; £7 were in notes, the remainder in silver.

(To be continued.)

Macdowall's Embassy to Kandy

KANDYAN AFFAIRS UNDER THE GOVERNMENT OF FREDERIC
NORTH, 1799-1800.

(Continued from page 574)

D. 99

Enclosure—Hay Macdowall to Pilim Talawuwe.
Ganoruva, 17th April, 1800.

To the First Adigar,
After Compliments.

I expected yesterday to have had a Conference with you and the Nobles of the Court on the subject of the proposed treaty and as you have had it under consideration for several days, I trust that you will come to a speedy Conclusion and that His Majesty will be inclined to sign it without any unnecessary delay.

When a former Embassy was sent by the English with a view to cultivate the friendship of the King and nobles of Candy. it is well known to you, that from frivolous and evasive excuses the treaty proposed was not executed. I now come to offer you a fair and honourable treaty on the part of the British Government by which the King is secured on the throne, the Nobles maintained in their respective dignities on the state and the country freed from rebellion or insurrection. If the Governor of the British territories discovers that the Candian nation means to treat the proposed treaty with contempt he no doubt will be highly exasperated and can never look upon the prince or the people as the cordial allies of his King and Country.

I can say no more,

HAY MACDOWALL.

Ganoruwa,
17th April, 1800.

A true copy,

J. WRIGHT,

Secy. to the Ambassador.

D. 100

Frederic North to Hay Macdowall.

Sir, Colombo, 19th April, 1800.

I have received Your Excellency's letter of the 17th together with that which you sent to the First Adigar.

The answer to that letter if we may judge from appearances will not be conclusive and so although I should wish to bring the Court of Candy to a speedy and favourable Decision, I should not be willing to undertake measures of unequivocal Hostility as long as they can be avoided.

We may see what effect the threat of setting at large the Malabar pretenders will have in quickening their measures and in case they should return an absolute negative I would not wish you to leave the Court abruptly but to write a remonstrance on the excessive indelicacy of the treatment which we have experienced and to make both the Adigar and the Dessawe of Leuk understand that in the next remonstrance of the same nature all that they have concealed from the King will be made known and it should not be till after a positive and repeated declaration of unwillingness on their part to treat that you should leave the Court without taking leave.

The treaty is capable of so many modifications and there are so many objects of great importance asked for that they have not objected to, that I do not think a rupture likely to ensue.

Should they grant territory instead of the admission of troops the King's territories may be guaranteed from external Enemies, should they refuse any treaty for that purpose I will also refuse any guarantee and leave them entirely to their own fate. But a war need not on that account be entered into and while the King remains on the throne he may still be treated with.

I have the honor, etc.

Colombe,
19th April, 1800.

FREDERIC NORTH.

D. 101

Hay Macdowall to Frederic North

Sir, Ganoruva 18th April, 1800.

I have the honor to forward for Your Excellency's perusal the result of a Conference which took place last night as taken down by Capt. Macpherson.

As I plainly perceive that it is meant to oppose the march of troops into the Country, and that they will not agree to allow them to be stationed in the Candian Dominions and as I am determined to

insist upon that article to the last, nothing but the King's consenting to cede territory will induce me to sign any treaty which may be proposed by the Nobles at the proposed meeting this day.

I was anxious to explain to the Nobles that I would not listen to any foolish trifling proposal they might make, and if the treaty they were about to prepare did not contain something very advantageous to Your Excellency's Government I should conclude that their whole conduct had been guided with a view to insult the British Nation and that I should break off all communications with them.

It is now noon and I have heard nothing from Candy. It is likely the party may come over in the evening and I shall forward their intended treaty by express as soon as it can be translated, but I shall give them no hopes of my receding from what I have laid before them, unless their terms are more favourable than I at present have reason to expect.

I have received Your Excellency's letter of the 16th and shall attend to its contents. The first Adigar seems to have yielded to the Dessave of Ouva who now appears to be the principal in all our meetings. All private communication is still avoided and I suppose the minister has discovered that the terms are not propitious to his ambitious schemes. He certainly would have no objection that we should go to war and by laying the blame on the King have some plea for dethroning him. It will rest with Your Excellency whether in the event of a successful war you would recognise the Usurper.

I have the honor, etc.,

Ganoruwa,

HAY MACDOWALL.

18th April, 1800.

D 102

Enclosure—Extract from the Diary of an Embassy
to Candy.

17th April, 1800.

About 5 o'clock p.m. the first Adigar waited on the Ambassador attended by the Dessaves of Ouva and Matale, when the following conversation took place.

Amb: As the Nobles have had the treaty I proposed to them for some time under their consideration, I hope they are now come to the resolution of ratifying it.

Nobles: We are come to speak upon the subject of the treaty.

A: When you have recollected yourselves I shall be glad to hear what you have got to say.

N: There is no occasion for the King's signing the treaty you have proposed. We know the power of the English.

A: The King's signature is necessary to the treaty. However great the power of the English may be they never apply that power to a bad purpose. They ask you but do not mean to force you to enter into a treaty.

N: It is usual for a treaty of this kind to be the result of frequent communications between the parties as this one has come ready prepared we will not recommend it to the king to sign it.

A: Why? We have talked upon the treaty repeatedly and I have even made alterations in it at your suggestion.

N: You must have seen our treaties with the Dutch. This, which you propose is favourable to the English as it is unfavourable to the Candians.

A: It is not more favourable to the English than your treaty with the Dutch was to them. I have the Dutch treaty of 1765 here, it was made at the close of successful war and was very favourable to the Dutch from that circumstance.

N: The King invited the Dutch into the Country and naturally gave them the best terms.

A: The treaty of 1766 was also favourable to the Dutch and highly so.

N: We must admit that it was.

A: I have copies of all your treaties with the Dutch, and all of them are favourable to that nation. I cannot easily conceive what objections you can have to give the English as favourable terms as the Dutch.

N: We know that the English are richer and more powerful than the Dutch and we earnestly desire to enter into a treaty with them.

A: If you are serious in what you say, if you object to what I have submitted to you, what have you to propose in its room?

N: In the treaty which you have proposed the interests of the English alone are attended to.

A: Do you call sending British troops into your Country for its protection nothing?

N: We consider that to be the most objectionable part of the treaty.

A: I consider and still do consider the treaty which I proposed to be equally good for both parties, it is not therefore my intention to alter a line of it, but I desire to hear your objections to it.

N: As you do not mean to alter it, what is the use of our proposing alterations or objecting to it.

A: I wish to hear what you have to say, because I think it very likely that you will propose something very advantageous for the Government which I represent.

N: We will bring you our project of a treaty which you will find as favourable to the Candians as yours to the English.

A: I shall be glad to see it.

N: We will bring it tomorrow.

A: I am extremely desirous of cultivating the friendship of the Candian nation, but I expect you will not propose a treaty that will be unfavourable to the English.

N: We hope that upon the subject of the treaty that we have to propose Your Excellency will listen to us with as much pleasure as we shall speak to you.

A: I shall be happy to find that the case.

N: We shall return to Candy, examine the old treatises (sic) form one (our?) opinion and communicate it to you.

A: Since my arrival here I have written to His Excellency the Governor that from the great attention I have received from the King of Candy, his nobles and people that I had great hopes that his treaty would be ratified. I am now sorry to discover, from your mode of speaking that you do not mean to enter into a treaty with the English at all.

N: When we have laid our project before you, you will be able to judge.

A: I only beg of you to recollect that the Governor will be very much displeased if he finds you attempt to trifle with him.

N: If we were not sincere we should not have taken the trouble of saying so much on the subject.

A: I have a high respect for your King, for yourselves and for your Country at large, I am always happy to see you at all times as friends and nothing will give me greater pain or uneasiness, than to meet the respectable chiefs with whom I converse opposed to me in the field as enemies.

N: We have at all times wished for the friendship of the English and never more than at this moment.

At parting the General told them he was sorry they had had the trouble of coming from Candy to so little purpose and he expressed his hope that the next conference would produce something more than this had. They said that they wished to please him and that they would call tomorrow. They now sent (sic) off for Candy. This conference lasted about an hour, the Dessave of Ouva was the principal spokesman.

WILLIAM MACPHERSON,

Ganorouwa,

Secy. to Embassy.

18th April, 1800.

D 103

Frederic North to Hay Macdowall

SIR, Colombo, 20th April, 1800.

I have received your Excellency's letter of the 18th together with your account of the Conference which took place between you and the nobles the preceding day.

Their refusal to agree to the treaty in the form in which it was proposed by no means surprises me, nor can it be considered as a justifiable cause of rupture which it is very far from my wish to provoke.

The idea of making a counter project is one to which I do not see why we should object, or indeed how we could justify such an objection. We shall be able to judge from its nature, whether it be meant to be evasive and nugatory or whether they really wish to secure our friendship and good neighbourhood as soon as possible.

At the same time, I do not think that they have shown any extraordinary delay in not having decided in so short a time on objects of such very great importance to themselves.

The simple refusal of guaranteeing the possession of a Crown to the present King unless they give us the means of carrying that guarantee into effect by allowing a stipendiary force to be settled in his Capital is all that we can claim a right to, and is likely to put the object itself before them in a proper view.

We cannot insist on their receiving the troops if they do not like to do so and although we may certainly complain of the Adigar having deceived us, yet it will be much more for our Honor and perhaps for our Interests not to have the troops at Candy than either to sanction or oppose by their presence the measures which he will probably adopt.

Should a new usurpation take place I most certainly shall recognise the usurper unless a previous treaty should have bound me to guarantee the Dignity of the present King. We are not, however, certain such an attempt will be made, or that if it be made, it would be successful and I by no means think it allowable to give it any encouragement, or to enter into it either directly or indirectly.

We have taken all the measures which we could, even beyond our obligations to save the King. He or those who act for him, do not approve of what we propose, as the only effectual means for continuing his safety. This is a very good reason for continuing (*sic*) him to his fate, but none for hostility against him.

Although all the advantages which we might wish for, in a treaty with the Candians, may not be gained at present, yet the relative weakness of their Government to ours being felt and acknowledged by them, cannot but be considered as a very considerable object on which the success of all future negotiations must depend and the manner of deriving the greatest permanent profit from their sentiments on the subject, will be, not to drive them to desperate measures but to preserve them by moderation and kindness in that temper of mind, in which they had rather make small successive concessions to us, than have recourse to Hostilities, the dangers of which their pussilanimity will certainly magnify.

If their counter project should be ridiculous in its Demands you should certainly remonstrate against it and require an Explanation, but if without being perfectly satisfactory it should contain proposals in some measure advantageous and couched in civil terms with an appearance of a wish for a final arrangement, make your observations upon it and continue to negotiate till you bring them to the Ultimatum.

It is not surprising that they should not overcome their prejudices in a day and in our present situation in India, a character for moderation is so much more desirable than any acquisition of power or territory that I should be unwilling to exert even menaces of too strong or hasty a nature against a Government so weak and so very conscious of its own weakness and which the operation of natural Causes must every day render less and less able to do harm to us.

I have the honor, etc ,

Colombo,

FREDERIC NORTH.

20th April, 1800.

D. 104

Hay Macdowall to Frederic North
Ganoruva, 20th April, 1800.

SIR,

I have now the honor to inform you that the interview on the proposed treaty by the King and Nobles took place last night which turned out exactly as I had suspected, absurd and nugatory. The first eight articles as interpreted by Mr. Joinville were written down by the Secretary to the Embassy and are transmitted with this letter. As I listened with good temper to their propositions I thought myself at liberty to give them my opinion fairly and addressed them in more warmth than I have hitherto shown and desired them to understand that I was extremely displeased and disgusted with the folly of their proceedings and that I should only wait till the King should give me an audience of leave to return to Colombo, as I was perfectly convinced that they meant to avoid all connection with the English and to treat them more as enemies than as friends. The Dessave of Ouwa appeared to be considerably alarmed at the manner in which I two or three times enforced my determination to hearken no more to their futile evasions : he left me fully convinced that I would not recede from my original treaty unless some very advantageous terms were offered in its place.

Your Excellency will not be surprised to hear that neither of the Adigars attended, the first after what has passed must have been ashamed of such a project as the Dessaves of Leuk and Matule presented. I hear that he is endeavouring to spur on the King to commence Hostilities but that neither His majesty nor any of his friends have yet been brought over to that way of thinking.

As the Adigar studiously avoids all private Communication and the operations of the Candian Court are most mysteriously conducted I am entirely ignorant of their real designs. This day I expect to know at what time I am to wait upon the King and the probable date of my quitting the place.

I have still a great idea that in consequence of what passed last night a Corle may be offered, but your Excellency may easily judge that this will be resisted by the Adigar as it can in no shape serve his purpose unless he can instigate the King to insult or attack the troops or people you may send to take possession of the ceded provinces, and by this means still keep—in view his favourite and ambitious design of ascending the throne, during the confusion incident to a state of warfare. He will then give you your own terms if he is recognized sovereign which your Excellency will probably be never inclined to do. With these crude conjectures I will close this letter. I fear the splendid professions made by the Adigar, made to your Excellency were only intended to perplex and delude.

I have the honor, etc.,

Ganorouwa,
20th April, 1800.

HAY MACDOWALL.

Enclosure—Extract from the Diary of an Embassy
to the Court of Candy.

April 19th, 1800.

D. 105

About 6 o'clock p.m. the Dessaves of Ouva and Matule waited upon the Ambassador: they said the two Adigars were prevented by sickness from attending. Having taken their seats, the following conversation was commenced by the General:—

A. Have you come here today with a view of doing business?

N. We are come with that intention and are glad you have put the question as we have proposals to make which we trust will prove satisfactory to you. We premise that we have only sketched the outline of a treaty and that what we are about to say is not to be considered as a treaty carefully drawn up.

• They then produced some Cadjans and the Dessave of Ouva read what was interpreted to us to the following purpose:—

The King of Candy and his Ministers on the one part and the King of England and the Company on the other part have agreed through the aforesaid Ministers and the English Ambassador to the following treaty:—

1. Both parties agree to a firm and perpetual alliance and friendship.

2. Both parties shall consider the enemies of the other as their own enemies.

3. The English shall respect the Temples, the Pagodas and the Lands attached to them as well as the religion of Boodh, which they agree to defend.

4. The English shall have permission upon annual application to that purpose to cut cinnamon as far to the Eastward as Bellane Hill.

5. Deserters from the armies of both parties are mutually agreed to be returned.

6. The King of Candy shall have permission to have ten ships, vessels or donies as he shall think fit, which shall be permitted to sail from and return to English ports with such Merchandise as he shall think proper and these vessels are neither to be examined nor to pay any duty whatsoever.

7. The King of Candy will order the Cinnamon to be cut and will deliver it to the English, the value of the cinnamon to be paid either in money or goods which must be sent carefully to Candy.

8. The old custom of both parties sending an Embassy annually shall be renewed and continued.

Here the Dessave stopped and said that he was not authorised to proceed any farther in the treaty.

A. I have now listened to you with patience, as you must admit you have notwithstanding all I have said to you upon the folly of attempting to trifle with us completely proved to me, what I have long suspected that you are not desirous of the Friendship of the English and even attempt to treat them with disrespect. I shall therefore with His Majesty's permission set out on my return to Colombo where I have duties to perform that require my attention, instead of remaining to be trifled with here.

N. You frighten us when you make use of such strong language.

A. There is not the smallest reason for fear. It is not my intention to carry the treaty by force. We have offered you our friendship and protection as a great and powerful nation, you have rejected our offers and treated us like persons who come to ask for favours.

N. To what part of the treaty which we have read do you object?

A. To the whole. There is not one article that I can listen to. I wish therefore that you will ask His Majesty to grant me an audience of leave as quickly as possible and that you will let me know the appointed day in the course of tomorrow.

About the close of the Conference the Maha Mottiar stepped in and took his seat. He heard what the General said last and we immediately after handed the three gentlemen to the river side, seemingly very much depressed.

The business of this meeting took up about an hour.

A true copy and extract:

Wm. MACPHERSON,

20th April, 1800.

Secy. to Embassy.

D. 106

Frederic North to Hay Macdowall

Colombo, 22nd April, 1800.

Sir,

I have received your Excellency's letter of the 20th instant with the 8 articles proposed by the Dessave of Leuk and Matule.

Although I suspected that they would propose some articles which we could not accept, I had no idea of their showing such a degree of wanton and childish folly.

Your Excellency was perfectly in the right to hear them no longer and to ask for your audience of leave, which you will take unless they make overtures of a more satisfactory nature.

It appears to me that this has been managed by the first Adigar whose interest and object it is to drive us into a war with the King.

Should it be possible to let him know that that expedient is not likely to be of use to him, he may perhaps not have recourse to it. But he seems to avoid all communication at present as studiously as he formerly sought it.

All that we can do if the Candians are foolish enough to remain in their present obstinacy is to form no connection with them but to wait for the events which may turn up in their Country.

I have the honor, etc.,

Colombo,

22nd April, 1800.

FREDERIC NORTH.

(To be Continued.)

Notes and Queries.

RELIGIOUS INTERCOURSE BETWEEN CEYLON AND SIAM IN THE 13th—15th CENTURIES

BY

R. C. PROCTOR

In his paper read before a meeting of the local branch of the Royal Asiatic Society held on the 14th November, the Acting Archaeological Commissioner, Mr. Parnavitane, alludes to the invasion of Ceylon in the reign of Prakrama Bahu II by Chandrabanu and supports the identification by Mons. G. Coedes of the invader with Sri Dharmma raja of Sri Dharmma nagara (modern Ligor) in the Malay Peninsula.

I write to raise a plea for further investigation before the identification can be passed as sound.

There is no record of history or epigraphy in Siam or Malayan Archipelago to adduce in evidence to support the statement that Sri Dharmma raja of Sri Dharmma nagara invaded Ceylon with armed force, nor is there evidence of any traditional lore to confirm the identification of Mons. G. Coedes.

On the Siamese side, the available information is that the relations which subsisted between Siam and Ceylon in the period under notice were most cordial based as they were on mutual desire to augment their respective Buddhistic culture and that the monarch who ruled Sri Dharmma nagara about the year "Kaliyoga" 4332 bore the epithet Chandabanu. We know a mere epithet is to slender a material to rely on for purposes of identification of historical personages of the Eastern lands. Chandrabanu was a common name, especially among the Jainas. The words mean 'Moon's beam' which is an epithet given to a person should convey the sense that the person was of suave beneficent and refreshing disposition. Monsieur G. Coedes's opinion that Sri Dharmma raja went to war, arming his hosts of Malays, and Chola and Pandya hirelings with poisoned arrows in order to secure for himself a miraculous image of Buddha possessed by the pious Sinhalese may be dismissed as an impossible theory. No Easterner, much less a Buddhist king, would think of securing a religious relic for worship through murder and plunder.

The date on the epigraph found "at a place called Jaiya" is claimed to indicate that Sri Dharmma raja was a contemporary of Prakrama Bahu II. But Mr. Parnavitane admits that the Saka era of Siamese does not equate with Saka era of South India or Ceylon. When that is so, the identity of the Kali era of the Siamese with that vogue in India should first be established before the date

mentioned in the epigraph is asserted to correspond to "A.D. 1230." Even if proof is available, it will not settle the question of the identity of the invader with Sri Dharmma raja.

On the Ceylonese side, we have the following information with reference to the invader Chandrabanu :—

1. He was king of Javakas.
2. He landed at Mahatita (Mantote) with "a terrible army consisting of Javakas, Cholas and Pandyas" under the terrible pretext that they also were followers of the Buddha (Culavamsa II page 151.)
3. He subdued the northern part of the Island and then came to Subba Pabbata and called out for the delivery of the kingdom together with the Tooth Relic and bowl relic saying " verily we are also Buddhists."
4. Chandabanu's army brought hundreds of thousands of poisonous darts called *Nachambu* (Tamil word நச்சம்பு)—Pujavaliya, Mudr. Gunasekera's translation page 42.

From the above, one is led to conclude that the invasion had the definite purpose of subjugation of Ceylon. But there is no material to found the theory that Sri Dharmma raja entertained Imperial designs on Ceylon or that he was under compelling circumstances to find an asylum.

It is said that in some Sinhalese book the invader was also designated with the name *Tamhalinga* or *Tamalingama*, but this is a common name among the Tamils. I fail to see how Sri *Thammarat*, which is said to be another name of Sri Dharmma raja, can be identified with Tamhalinga of the Sinhalese book.

We know definitely that a portion of the Chera kingdom was known as *Malaya* Nadu or Malayam. The *Mahavamsa* refers to "Malaya" rajas of South India in various periods of its narrative.

There is evidence that a territory in the Malabar district bore the name Chavaka or Savakam (*sans* Javaka) during the mediaeval times.

Kalingattuparni, a poem on the conquest of part of the Kalinga Country (Northern Circas) by Kulatunga Chola speaks of Chavakas as participants in the battles on the side of the Chola. *Kaliyamalai*, a poem on the inauguration ceremony of the Kandaswamy temple of Nallore in Jaffna attests to the presence of Chavaka representatives at the ceremony.

In the South Indian Inscription No. 588 of 1916 which is dated in the 10th year of Jatavarman *alias* Tirubhuvana Chakravarti Vira Pandya, it is stated that the Chakravarti "was pleased to take the Chola Country, Elam (Ceylon) had the Crowned head of *Chavaka*."

Krishnaswamy Iyengar in his book on the *Sources* of Vijayanagar history (page 183) states that one of the Birudu titles of Rama raja was "destroyer of the fort of Chavaka" and he identifies Chavaka with the modern *Seogi*.

I suggest that Chandabanu who invaded Ceylon was not a Javanese.

Notices of Books and Periodicals

The Early History of Ceylon, BY G. C. MENDIS, B.A., PH. D. (HERITAGE AND LIFE OF CEYLON SERIES.)

Research is always a generation ahead of the popularisation of its results. Yet the results of research, to be truly valuable, must percolate downwards until what were once pedantries become the common-places of text-books. Ceylon history has long stood in particular need of that process. Much research has been done; but little of it is generally known.

For instance, the early history of Ceylon has been a field of intensive research. But the results have not been accessible to the general reader. They have been scattered in various publications which necessarily reach only a limited few. So that there has been a real need for a handy account of the early history of Ceylon, written in the light of, and embodying modern knowledge.

This book therefore comes at the right moment. In the brief compass of some 75 pages it gathers up the results of the latest research and provides a scholarly account of the broad outlines of historical development. At the same time the book is more than a mere outline or compendium. It is also a distinct contribution to knowledge. While the author has rightly garnered the fruits of others' work he has also added contributions of his own. As one of the foremost research-workers in this field himself, the author has brought his knowledge and training to the writing of this book.

The interpretative synthesis that is history must be based on critical analysis of available material. The constant and careful application of that process is most particularly needed in the realms of early history. For the material there utilised is less in the nature of "authorities" than "sources." The value of the information they furnish requires to be carefully assessed in the light of formulated principles.

The author has kept that fact constantly in mind. "To the research student," he says in his preface, "many of the statements about the early history of Ceylon appear as problems to be investigated, rather than as facts on which a stable structure can be erected." Approaching the subject from that point of view it is not surprising that some startling conclusions are sometimes reached. Thus on page 3—"No independent record of any description outside Ceylon..... supports the view held in Ceylon that Mahinda was a son of Asoka. On the other hand, researches carried out in recent times into the legends of Asoka tend to confirm the judgment of Oldenburg, who some decades ago looked upon the story of Mahinda's parentage as a pure invention. The building of the Ruvanvali Saya and the Lohapasada (the Brazen Palace) is attributed in the *Mahavansa* to Dutugemunu, but the accounts in the *Dipavansa* and the *Mahavansa* themselves, when critically examined, give sufficient room to doubt this statement." Whether the traditional accounts ultimately prove to be true or false, it is well that they should thus be subjected to the sifting process of critical analysis.

Besides, we are glad to note that the author does not confine himself only to political history. He treats his subject from a much wider point of view. As Professor Geiger says in his foreword, "he has not confined himself to a mere enumeration of events and names and chronological dates, but has also tried to describe the whole mental and economic culture, agriculture and commerce, art and literature, of the Sinhalese, and their development from their beginnings up to the modern period." The subject has been placed in its wider setting by paying full attention to the foreign relations of this Island, particularly with India.

What with the excellent illustrations too, this is a valuable book.