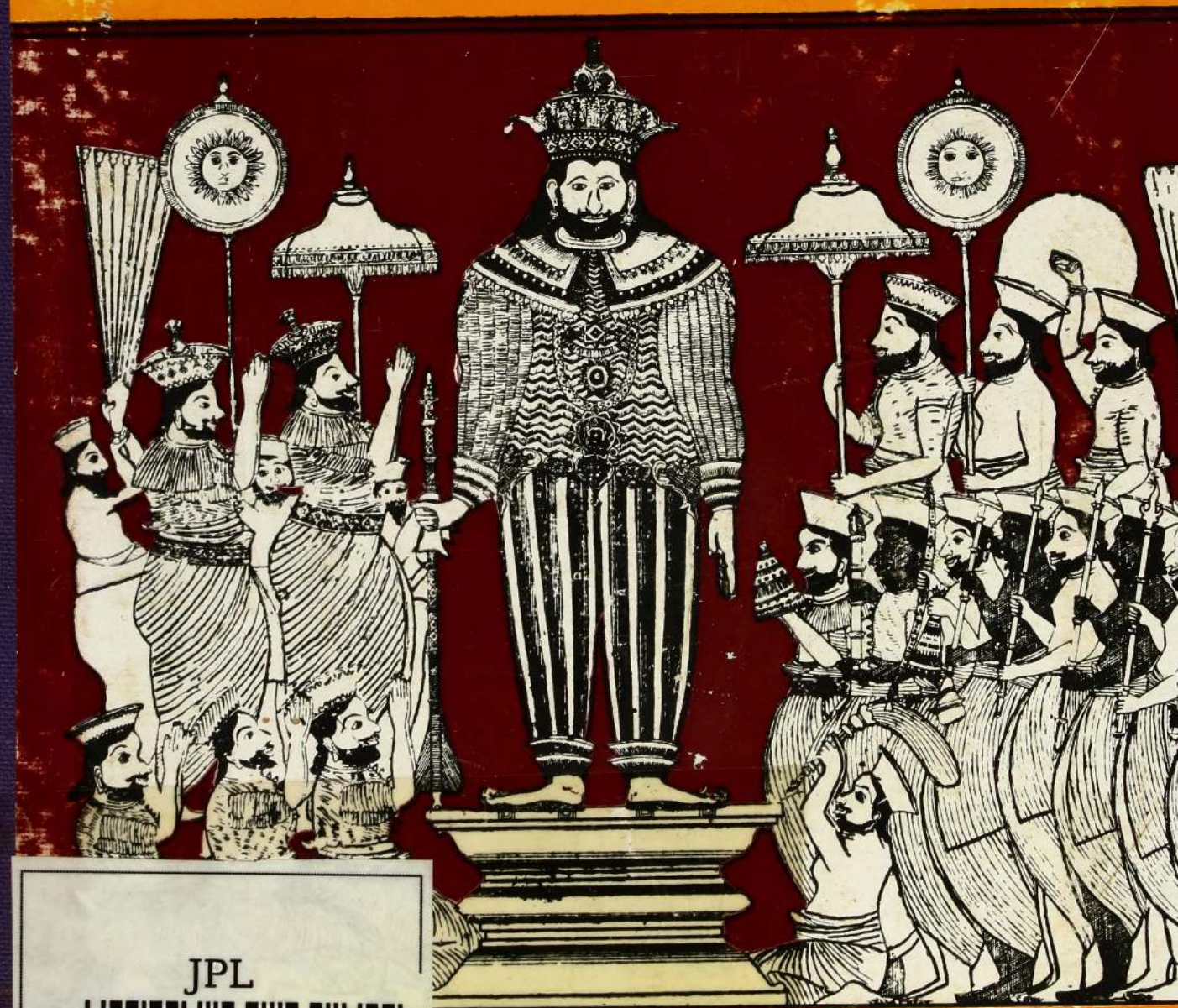
A sketch of the constitution of THE KANDYAN KINGDOM



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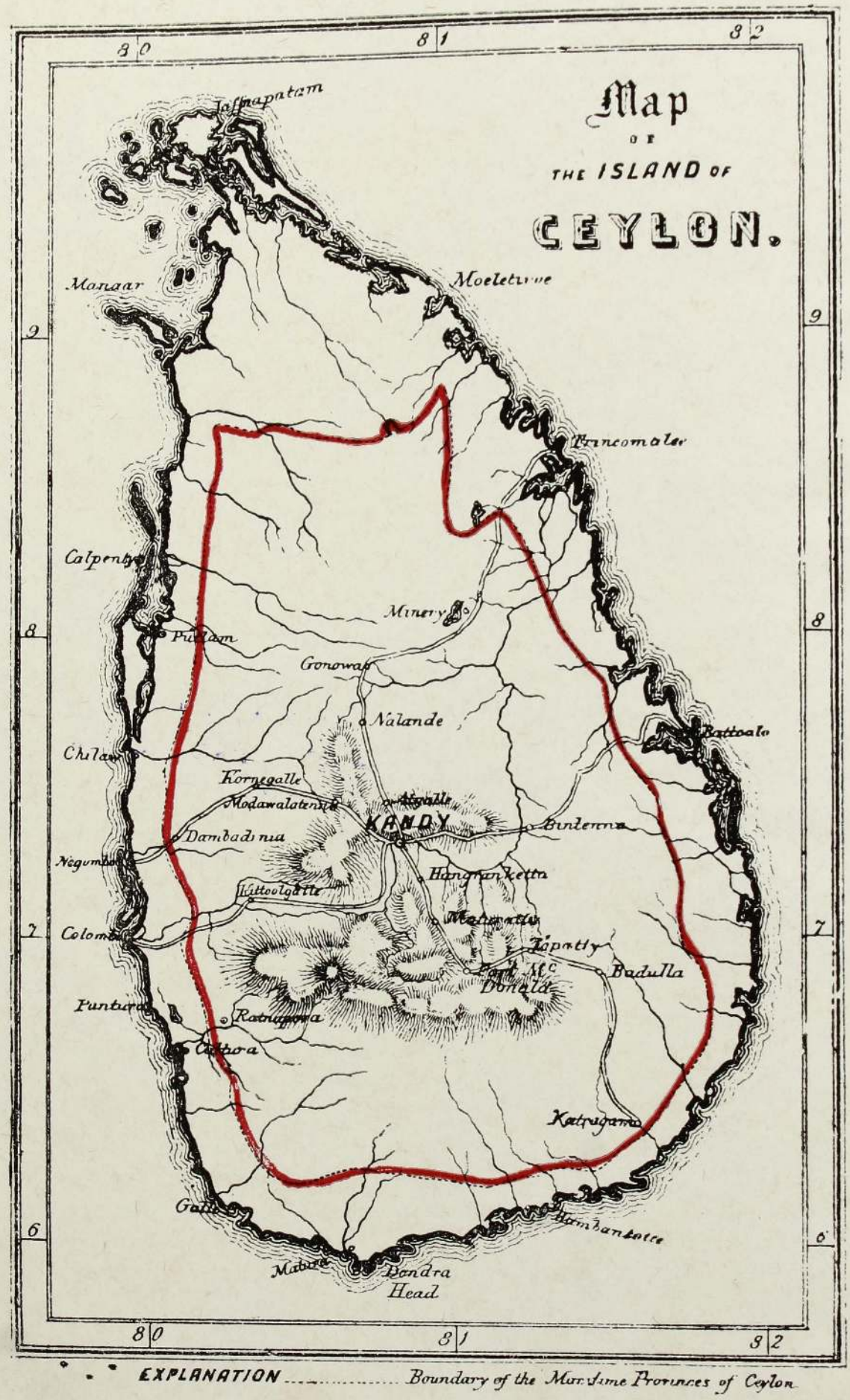

THE KANDYAN KINGDOM IN 1815

Map of Ceylon with the boundary of the Kandyan Kingdom marked in red. From Henry Marshall's *Ceylon : A General Description of the Island* 1846

A Sketch of the Constitution of the Kandyan Kingdom

By

Sir John D'Oyly

And other relevant Papers

Edited by
L. J. B. TURNER

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INTRODUCTION

THE origins of the Kandyan Kingdom according to tradition date back to the fifteenth century when Senasammatha Vikramabahu declared his independence from the king of Kotte about the year 1474.[1] The Kingdom ceased to exist in March 1815 when it was ceded to the British by the Kandyan chiefs and the last king of Kandy Sri Vikrama Rajasingha deposed.

In the three hundred and forty years of its existence the Kandyan Kingdom played a significant part in Sri Lanka's history. It was the direct lineal successor to the great Sinhala Buddhist Kingdom which had flourished for over one thousand seven hundred years in the Rajarata with its capitals at Anuradhapura and Polonnaruwa. Kandy also withstood successfully for over three hundred years the full brunt of the military power in turn, of the Portuguese, the Dutch and the British. These three nations were in their day the most powerful maritime empires in the world and for a small Asian nation like Kandy to have resisted them militarily was no mean achievement. The Kandyan Kingdom with a Sinhala and a Buddhist king also played another significant role. It kept alive the dual traditions of Buddhism and Sinhala language and culture which had illumined the Anuradhapura and Polonnaruwa periods. If such a Sinhala Buddhist kingdom had not retained its independence in the central highlands of the Island while the maritime districts were under European rule, and the whole country been brought under foreign domination, Ceylon would have been denationalised and

1. See *University of Ceylon, History of Ceylon,* Volume II, page 680, for a full account of the origins of the Kingdom of Kandy as an independent state.

its indigenous religion, language and cultural institutions totally destroyed as happened in the other island civilisations in Asia taken over by the Europeans, such as the Philippines.

Fortunately a great deal of historical information about the Kandyan Kingdom is available. The Portuguese, the Dutch and the English who in turn successively ruled the maritime provinces, as well as the other casual invaders such as the French and the Danes all have left considerable historical material on the kingdom. The official Archives of the Dutch government in Sri Lanka are available intact in Colombo in the Ceylon National Archives while an equally large volume of information is available in the Royal Archives in the Hague. The same applies to the British records. The European accounts however deal with the Kandyan Kingdom from the European point of view and are thus one sided. In the last few decades this reliance on European records only for Kandyan history has been discarded and more attention is now being rightly paid by scholars to Kandyan Sinhala source materials such as the various literary works, *Sannasas*, *Sittus*, *Vattorus*, *Tudapat*, *Vithpoth*, *Kadaimpoth*[2] etc. This combination of both European and indigenous historical sources enables a more balanced history of the Kandyan Kingdom to be written.

Of all the works written on the Kandyan Kingdom by Europeans, with the possible exception of Robert Knox's *Historical Relation of Ceylon* 1681 and John Davy's *Account of the Interior of Ceylon* 1821[3] pride of place must be given to Sir John D'Oyly's *Sketch of the Constitution of the Kandyan Kingdom*. This present unabridged reprint makes available to the reader a book long out of circulation and one which is fundamental to students of both Kandyan history and Kandyan law.

In 1474 when Senasammatha Vikramabahu of Kandy asserted his independence from the king of Kotte there were two other kingdoms in Sri Lanka. There was the Kingdom of Kotte on the South West wet zone and the Kingdom of Jaffna in the North. In 1505 a new factor entered Sri Lanka's history, this was the arrival of the Portuguese who at the time was, next to Spain, the second strongest maritime power in the world. The Portuguese established themselves on the coast in

2. For a discussion of indigenous source materials for a study of the Kandyan Kingdom, see L.S. Devaraja, *The Kandyan Kingdom* 1707 *to* 1760, pages 5 to 10.

3. *A Historical Relation of Ceylon* by Robert Knox 1681, and John Davy *Account of the Interior of Ceylon* 1821 have both been reprinted recently in the *Ceylon Historical Journal* series as Volume Four (1958) and Volume Sixteen (1969) respectively.

the port of Colombo and commenced their two major activities of trade and religious conversion. In this they were aided by the fact that the Kingdom of Kotte was broken up into two sections Kotte and Sitawaka in 1521 after the death of King Vijayabahu. Kotte was ruled by Vijayabahu's elder son Bhuveneka Bahu and Sitawaka by his brother Mayadunne. A long fratricidal war soon commenced between Kotte and Sitawaka, which lasted for nearly 70 years. The Portuguese intervened in this war on the side of the King of Kotte and in 1551 when Bhuveneka Bahu died a Portuguese puppet Don Juan Dharmapala was installed on the throne. On his death in 1597 Dharmapala gifted his kingdom to the King of Portugal.

The two kings of Sitawaka from 1521 to 1593, Mayadunne and Rajasingha I were on the other hand exceptionally able men and though their territories were not large and they did not command much resources they were able to hold their own against the combined power of the Portuguese and their allies from Kotte. Rajasingha I particularly, who his Portuguese rivals were later to compare to Hannibal, was a military genius of an exceptional sort and by the latter part of the 1580's he had reduced the territory ruled by the Portuguese and the King of Kotte to the few square miles around the fort of Colombo.

While this fratricidal war was going on in the low country from 1521 the Kingdom of Kandy which had been founded by Senasammatha Vikramabahu continued its independence undisturbed. In 1583 however Rajasingha of Sitawaka invaded and annexed Kandy to his own Kingdom deposing Karaliadde Bandara, grandson of Senasammatha Vikramabahu, who had allied himself with the Portuguese by giving his sister as queen to Dharmapala of Kotte. With the unified Kingdom of Sitawaka and Kandy under his control Rajasingha turned his full might on the Portuguese in Colombo.

A few years later an unexpected event occurred. The Portuguese decided to reduce the force of Rajasingha's attacks on Colombo by a diversionary tactic, and sent an expedition to Kandy to place on the throne a son of the deposed Karaliadde Bandara. The expeditionary force was led by Konappu Bandara, a Sinhala Prince who had received his education under the Portuguese and had distinguished himself as a brilliant military tactician. Kandy was successfully occupied by the expeditionary force and the Portuguese protege duly proclaimed king. The new king however soon died and thereupon the Commander in Chief Konappu Bandara broke his connection with the Portuguese and

declared himself king of Kandy under the name of Vimala Dharmasuriya I. Vimala Dharmasuriya[4] however was not of royal blood, but this disqualification was soon rectified by the Portuguese themselves. In 1594 they sent another expedition to Kandy to defeat the usurper and place this time the daughter of the deposed Karaliadde Bandara on the throne. The expeditionary force was defeated and Karaliadde's daughter Kusumasana Devi (also referred to as Dona Catherina by the Portuguese) captured. Vimala Dharmasuriya married her and thus established a legal claim to the throne.[5]

Circumstances soon brought it about that Kandy was to be the sole surviving indigenous kingdom against the Portuguese. In 1593 Rajasingha I of Sitawaka died and with his death, his kingdom disintegrated, part being annexed by the Portuguese in the name of Don Juan Dharmapala of Kotte and the balance being annexed to Kandy by Vimala Dharmasuriya. The independent Tamil kingdom which had existed in Jaffna had been annexed by the Portuguese in 1581. In 1597 the puppet King of Kotte Don Juan Dharmapala died gifting his kingdom to the king of Portugal.

The seventeenth century thus opens with only two states in Ceylon, the maritime provinces of the western seaboard from Jaffna to Tangalle being possessed by the Portuguese and the rest of the island ruled by the King of Kandy. This position was to continue from the beginning of the seventeenth century (with the Portuguese being substituted by the Dutch in 1658 and the Dutch by the British in 1796) till 1815 when the Kandyan Kingdom was finally extinguished.

Vimala Dharmasuriya I (1592 - 1604) of Kandy was succeeded by Senarath (1604-1633) who in turn was succeeded by his son Rajasingha II (1635 - 1687) an exceptionally able and astute monarch who got rid of the Portuguese by allying himself with the Dutch (who in turn however continued to occupy the Portuguese held territories on the coast). Rajasingha was succeeded by his son Vimala Dharmasuriya II (1687-1707) and he was followed by his own son Narendrasinha (1707 - 1739). On Narendrasinha's death the Sinhala line became extinct and he was succeeded by his brother-in-law, a Nayakkar from Madura in South India

4. Vimala Dharmasuriya I who in a sense was the founder of the modern Kandyan Kingdom was the son of Virasundara Bandara a general of Rajasingha I and thus not a Kandyan but a low country citizen by birth.

5. Kingship in Sri Lanka, particularly after the period of strong South Indian influence began from the 10th century onwards, frequently descended on the matrilineal line. We find this particularly so in the Polonnaruwa period.

Rajah Singah the King of Ceylon

RAJASINGHA II

King of Kandy 1635–1687

From Robert Knox's *Historical Relation of Ceylon* 1681

who ascended the throne as Sri Vijaya Rajasinha (1739 - 1747). Sri Vijaya Rajasinha was succeeded by Kirthi Sri Rajasinha (1747 - 1781), Rajadhi Rajasinha (1781 - 1798) and finally Sri Vikrama Rajasinha (1798 - 1815) the last King of Kandy. The last four kings constitute the Nayakkar dynasty.

The territorial limits of the Kingdom of Kandy differed considerably during the several hundred years of its existence. Basically however from the end of the sixteenth century it comprised mainly the central highlands with a broad suzerainty over the chieftains of the Eastern coasts and of the North Central areas. These limits continued till 1766 when Kirthi Sri Rajasinha was forced to cede to the Dutch the entire sea coast of the island.

The constitution of the Kingdom of Kandy from its inception to its demise was an absolute monarchy. The monarch however was guided by custom which itself was in many ways moulded by Buddhist and Hindu tradition. The administration of the country was done by the king through the provincial rulers designated as Disawes, Vanniyars etc., who had under them a whole series of lesser officials. The revenues of the kingdom were derived from taxes on the produce of land, paid in kind, while the subjects had to perform certain duties to the state known as Rajakariya.

The social structure of the Kandyan Kingdom has been described as a "Farmer Aristocracy".[6] The whole of society was divided into a number of occupational castes who did not intermarry with each other. The *Goigama* caste or the farmer caste was the predominant caste in the Kandyan social structure and constituted the aristocracy from among whom the ruling class was selected by the king.

Buddhism was the official religion of the state and received the active patronage of the king. This patronage varied according to the individual piety of the king. It reached its lowest ebb under Rajasinha II (1635 - 1687) and its peak under the pious Kirthi Sri Rajasinha (1747-1787).

The constitutional and administrative structure of the Kandyan Kingdom as well as its economic, social and cultural organisation is best described in *A Historical Relation of Ceylon* written by an Englishman

6. The term has been used by L. S. Devaraja in *Kandyan Kingdom* 1707 - 1760, Chapter III. It most aptly describes the social structure of the Kandyan Kingdom.

Robert Knox in 1681. Knox had been a prisoner of Rajasinha II in the Kandyan Kingdom for twenty years and his lengthy book was a first hand and accurate account. Though Knox wrote in the latter half of the seventeenth century his description applies generally to the structure of the Kandyan Kingdom almost during the entire three hundred and forty years of its existence. His accounts are corroborated in detail by many other European and indigenous sources in the seventeenth and eighteenth centuries while the three first had accounts of Kandy written by Englishmen immediately after the British conquest namely Cordiner, Davy and Marshall[7] describe a Kandyan Kingdom not far different from that seen by Knox in 1681.

The Sketch of the Constitution of the Kandyan Kingdom derives its importance not only from the subject matter of the work but also from the circumstances of its author. It is the first detailed account of the constitutional and administrative organisation of the Kandyan Kingdom and deals with many subjects which had not been touched upon by previous writers. It deals with the Kandyan Constitution in its entirety indicating how power flows from the absolute monarch through his officials to the different inhabitants of the country, the administration of justice, crimes and punishments, the provincial organisation, laws of inheritance, lands and land tenure, deeds and transfers of lands, taxes, personal law, the different castes and their duties, court ceremonial and the different officers of the Kandyan court.

The value of the book derives equally from the special circumstances of its author. Sir John D'Oyly[8] was the son of Mathias D'Oyly, Archdeacon of Lewes and Rector of Buxted and was born on 11th June 1774. He attended Westminster School and thereafter had a distinguished

7. James Cordiner *A Description of Ceylon* 1807 and Henry Marshall *Ceylon, A General Description of the Island and Its Inhabitants* 1846. Cordiner was Bishop of the British occupied Maritime Provinces, while Henry Marshall was surgeon attached to the British army which conquered Kandy in 1815. Marshall's book an extraordinarily impartial account has been reprinted in the *Ceylon Historical Journal* series, Volume Fifteen.

8. D'Oyly came from a family of ancient lineage. He claimed his ancestry from Nigel and Gilbert D'Oyly, sons of Seigneur D'Oyly of Oyly near Lisieux in Normandy who accompanied William the Conqueror to England. In 1067 Nigel received the City and Barony of Oxford and built the castle there. Another ancestor Sir Foulk D'Oyly the crusader shared the captivity of his master and friend Richard I. In more recent times the family was represented with distinction on the battle-fields of Europe and had intimate connections with India. Sir John Hadly D'Oyly was a close friend of Warren Hastings and his four successors in title served in India. See *Dictionary of National Biography*.

career at Cambridge winning a large number of prizes and scholarships while also playing a prominent part in social and athletic events in the university. After graduating in 1796 D'Oyly secured a cadetship in the Ceylon Civil Service, probably through the patronage of Lord Liverpool, later Secretary of State and Prime Minister, who was the principal resident of Buxted, and was one of the first batch of Civil Servants to be sent out to Ceylon after the country was declared a Crown Colony. He arrived in Ceylon in September 1801 and his first appointment was in 1802 as a member of the provincial court of Colombo. In 1803 he was appointed president of the provincial court at Matara, and in 1804 promoted as Agent of Revenue and Commerce of the Matara district, with which district, Galle was also amalgamated in 1805. It was a position of considerable importance for a man of thirty years.

Intensely interested in everything he undertook, D'Oyly while at Matara began studying Sinhala under Koratota Nayake Thero and after a few years acquired such a mastery over the language that Governor Maitland appointed him chief official translator to government in 1805. In his capacity as Chief Translator he was entrusted with all the negotiations with the court and the chiefs of Kandy.

D'Oyly however soon exceeded his original responsibilities. Instead of attending to negotiations directly with the court he set himself up as a super espionage agent for the British over the Kingdom of Kandy. He did this so successfully in fact that he was able within a decade to bring about the conquest of the kingdom, a feat which had eluded the military powers of the Portuguese, the Dutch and the British for over three centuries.

What made D'Oyly's intrigues possible was primarily the fact that the Sinhala dynasty had become extinct in 1737 and the kingship of Kandy had passed to a South Indian family ,the Nayakkars from that date. The Nayakkar kings though nominally Buddhists had strong connections with South India and did not at any time command the complete allegiance of the Sinhala chiefs. They did not marry into the Sinhala aristocracy but chose their queens from among their own clan in Madura. Their closest advisors in all affairs were not the Adigars and the Disaves but their South Indian relations. Such a situation was acceptable to the chiefs if the king actively encouraged Buddhism and identified himself with his subjects, but the only Nayakkar king who did this successfully was Kirti Sri Rajasinha.

When however the king was tyrannical and cruel, as happened to be the case with the last king of Kandy Sri Wickrama Rajasinha, who in addition did not actively promote Buddhism and also exacted rajakariya and other forms of forced labour from the people out of keeping with tradition, then the allegiances of the chiefs and people to their king was strained to the utmost. In such a situation some of the chiefs at least could be expected to lend an ear to foreign overtures.

Quickly realising this situation D'Oyly set out deliberately to subvert the chiefs of the country against their legitimate king. He established a large cohort of paid spies who went inside Kandy in the guise of bhikkhus, traders etc., and little of importance occurred in the kingdom without it coming to his notice. Chiefs and officials were usually bribed by rich presents, imported goods, medicines and copious flattery. Through these secret agents D'Oyly finally got in touch with the most powerful person in Kandy the First Adigar Ahelepola himself and the Disaves Ekneligoda and Pusvella. A regular secret correspondence was maintained with them without the king's knowledge. D'Oyly had even made overtures to the all powerful former first Adigar Pilimatalawe himself which however were not successful.

D'Oyly's spy system was in fact so perfect that he was even able to foretell the kings movements within the kingdom. A full record of D'Oyly's espionage activities is available because he maintained a diary of his daily meetings with his agents which has survived and was published in 1917.[9] A typical entry from the diary reads:—

"June 16th 1812—Andarapane Mohm. attends & informs, That he is sent by Puswelle Disawe to enquire after my Health—& desire his Compts.....Puswelle Disawa also instructed him to acquaint me that a Palace was abuilding at Kuruneygala, & the King was coming down into the 7 Korles, for the purpose of enforcing his Commands, of redressing Injuries, & placing the Country in Order".

9. D'Oylys diary of his work as an espionage agent against the Kandyan Kingdom for the period September 1810 to April 1815 recorded in detail the negotiations conducted by him with the Kandyan chiefs, persons whom he met and information brought to him from the interior. The diary was found in the Kandy Kachcheri and the few pages from it which were in private hands were recovered and placed with the main document. The diary was published in full with an introduction and notes by H. W. Codrington in 1917 titled *Diary of Mr. John D'Oyly* as a special publication of the Ceylon Branch of the Royal Asiatic Society.

In 1812 the cautious and conservative Thomas Maitland was replaced by Robert Brownrigg as British Governor. The new governor had explicit instructions from the Secretary of State to avoid a war with Kandy but he secretly cherished the ambition to annex the Kandyan Kingdom, something which had eluded his European predecessors for three centuries. Brownrigg's instructions in fact were to renew friendly relations with the Kandyan Kingdom.

Events however soon transpired to make it possible for Brownrigg's ambition to be fulfilled. The king Sri Vickrama Rajasinha always cruel and tyrannical by nature soon began to exceed the limits of tradition in exacting rajakariya and other dues from his subjects causing general discontent in some of the provinces, while he aliented the chiefs, who had themselves irregularly exacted dues from the people, by punishing them. One of those who fell into the king's disfavour in this way was the principal chief, the first adigar Ahelapola himself. With these events Ahelepola's contacts with D'Oyly became closer and finally the chief suggested that a large portion of the kingdom would revolt against the king if the British government would only support the rebels with arms. This suggestion was rebuffed but events had so turned out that Ahelepola could no longer remain loyal to the king. In 1814 he raised the standard of revolt in his province of Sabaragamuwa expecting the people in the other provinces also to rise in revolt. This did not materialise and the rebels led by Ahelepola crossed over to the British.

To this rebellion the king reacted swiftly. He sent a loyal Disawe Molligoda to successfully quell the revolting province and he exacted a terrible punishment from the rebels. Ahelepola's wife and children who were held as hostages in Kandy were executed in a most barbaric manner. Large numbers of chiefs suspected to be disloyal were seized and impaled while Puswele Disawe and several other Disawes met the same fate. What particularly sickened the people was the fact that Ahelepola's four young children were beheaded in the presence of the king close to the sacred precincts of the Maha and Natha Devales. As Davy recorded six years later "Executions were at this time almost unceasing. The numbers put to death cannot be calculated. No one was secure. Not even a priest .....to corporal punishment, imprisonment etc.—those minor causes of distress it is not necessary to elude, in the glowing picture they are as lights to shades".

The violent persecution of the Ahelepola faction alienated the king totally from the great aristocratic families who were closely interrelated. In addition the king now did certain acts which completely antagonised the Sangha. A Nayakkar by birth and a Hindu by sympathy he never supported Buddhism, the official religion of the state, adequately. The Maha Nayake theros of the Buddhist hierachy were scions of the great Kandyan families and the executions alienated their sympathy. The king also took the unprecedented step of appropriating to his own household some villages which had from ancient times belonged to the Dalada Maligawa the sacred Temple of the Tooth. After the rebellion he imprisoned several bikkhus and executed for treason Moratota Kuda Unnanse a bikkhu noted for his learning and piety. This was the final straw; the king had over-reached himself. He was surrounded by a hostile aristocracy and an alienated sangha while disaffection was rife among his people.[10]

D'Oyly and Brownrigg now realised that the time was ripe for the conquest of Kandy and using as a provocation the torture of some low country citizens and a raid by the king's forces into British territory, the British armies invaded Kandy.[11] The conquering army met little resistance and one by one the chiefs crossed over to the British. Kandy was successfully captured and in February the king himself fell into their hands. On March 2nd 1815 a Convention was signed between Governor Brownrigg on behalf of the British Government and the Kandyan chiefs on behalf of the Kandyan Kingdom ceding the kingdom to the British Crown.

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10. The personality and the actions of Sri Vikrama Rajasinha however are ones which require re-examination and reassessment. The traditional British point of view, making him out to be an absolute monster, propagated largely to justify the unprovoked conquest of a neighbouring state, is not an accurate assessment. The punishments inflicted by the kng though cruel by modern standards were those in keeping with his times and were the usual punishments inflicted by Sinhala kings against those guilty of the supreme crime of treason against the state. Similar punishments were inficted both by him and his predecessors while the British and the Dutch themlselves imposed equally cruel punishments on those committing the offence of treason. Sri Vikrama Rajasinha though not a Sinhala was after all the legitimate head of the Kandyan state and in the face of the massive disloyalty of his chiefs he had very few options left open to him other than those he took.

11. The provocations cited by the British for invading Kandy were exceptionally slight and completely unjustified. The king was not given a chance to apologise for the raid on British territory which from the British accounts themselves appears to have been a minor one and caused no damage. For the views of an impartial observer on the lack of provocation for the British invasion see Marshall's *A General Description of the Island.*

SRI VICKRAMA RAJASINGHA
King of Kandy 1798—1815

The British annexation of Kandy however was followed in 1818 by a great rebellion which lasted nearly two years. After successfully quelling the rebellion the British finally consolidated their power over the Kandyan kingdom and after 1834 set up a unified administration for the whole island of Ceylon.

Brownrigg was the first to realise that it was D'Oyly's work which was largely responsible for the acquisition of Kandy and after the Convention in March 1815 D'Oyly was appointed Resident in full control of the newly acquired provinces and a member of His Majesties' Council in Ceylon. The following year a Board of three Commissioners was formed to administer the kingdom and D'Oyly was in addition to being Resident, appointed the first Commissioner of the Board. The Board had both administrative and judicial powers and all appeals from the Provincial Courts supervised by the Disaves and after 1818 by the Agents of Government came up to the Board of Commissioners for decision. This gave D'Oyly and his assistant Simon Sawers, the Judicial Commissioner, an unparalleled opportunity of studying Kandyan laws and institutions.

In July 1821 D'Oyly was created a Baronet of the United Kingdom for the services rendered by him to the British Government in the conquest of the Kandyan Kingdom. He did not however live to enjoy this dignity for long, dying in Kandy on the 25th of May 1824 of fever contacted on a circuit in the Seven Korales.

Though D'Oyly had led a lively life in his undergraduate days at Cambridge,[12] as seen from his diaries, his life in Ceylon seems to have been one of constant emersion in his official duties. As Paul Peiris states "His knowledge of Sinhalese life was intimate, but it was gained at the price of an increasing disrelish for the social life of his own race which once had meant so much to him. On the 2nd of March, 1810, Sir James Mackintosh, recalling the trip by water to Ely eleven years before, recorded that D'Oyly had "Almost become a native in his habits of life. He lives on a plantain, invites nobody to his house, and does not dine abroad, and seems an amiable though uncouth recluse. When I saw him come into dinner at Mr. Wood's I was struck with the change of a Cambridge boy into a Cingalese hermit".

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12. An inveterate diarist D'Oyly maintained a diary of his university days which still exists as a family heirloom. Extracts from this diary as well as various letters written to D'Oyly in Ceylon by his relations have been edited and published in 1938 by Sir Paul E. Peiris in *Letters to Ceylon* 1814 - 1824.

The value of *The Sketch of the Constitution of the Kandyan Kingdom* arises largely out of the unparalleled opportunities D'Oyly had to obtain first hand material for its preparation. He had dealt with all Kandyan affairs from 1805 till the conquest of the kingdom in 1815 and from 1815 to 1824 had served as Resident and First Commissioner of the Board of Commissioners. The Board had judicial power and heard cases in appeal and this gave him a chance of knowing Kandyan law intimately.

D'Oyly's *Sketch* was not fully completed at the time of his death. Several copies however came to be prepared from his original manuscript copy which still exists. The value of the *Sketch* was recognised almost immediately after D'Oyly's death and it has been frequently referred to and published in several forms many times. Simon Sawers the Judicial Commissioner had included some of the material in his printed *Digest* and parts were published in the *Transactions of the Royal Asiatic Society of Great Britain and Ireland* in 1835. Certain other portions were published with amendments by H. C. P. Bell in his *Report on the Kegalle District* in 1892.

In view of the importance of the book for students of Kandyan institutions and law the British Colonial government prepared a complete edition of his work under the direction of L. J. B. Turner, Director of Statistics, which was published in 1929. Turner's preface to the book gives references to where the original manuscripts of the book are available and the manner adopted by him in editing the completed text. The present edition of the book is a reprint without any changes of Turner's edition of 1929. His preface to the book as well as his index of Sinhalese names are also included in full.

The Sketch illustrating the cover of this book is taken from Davy's *Account of the Interior of Ceylon* 1821 and depicts the "King of Kandy and his Court".

S.D.S.

Kohuwela.
24th November, 1975

PREFACE

This edition was compiled under my general direction on the orders of Government. The very heavy work of collating the manuscripts, revising the proofs, and preparing the extensive index was undertaken by Mr. M. F. S. Goonatilaka of this office with much ability, enthusiasm, and assiduity, and the students of the subject are greatly indebted to him for this important contribution to its literature. He was ably assisted in the revision of the proofs by Mr. R. W. de Abrew of this office. The index of Sinhalese names and words was kindly supplied by the Archaeological Commissioner.

The main documents used in the collation were (1) the Kandy Kachcheri manuscript copy entitled "A Sketch of the Constitution of the Kandyan Kingdom" which appears to contain the original notes of D'Oyly, some of them in his own hand; (2) the manuscript copy belonging to the Royal Asiatic Society (Ceylon Branch); (3) the Secretariat manuscript copy; (4) Mr. H. W. Codrington's typewritten copy; and (5) Simon Sawers' printed *Digest*.

In the present edition pages 1-65, 103-106, and 132-143 appear to be by D'Oyly—pages 1-55 and 132-143 being printed from the Kandy Kachcheri manuscript—and pages 65-67 and 109-132 by Sawers. With regard to the rest the author's name or initial has been given at the end of each note wherever possible. Pages 55-132 are mainly based on the manuscript copy of the Royal Asiatic Society (Ceylon Branch).

Parts of the edition have been previously published: pages 1-41, 44-45, and 53-55 in the Transactions of the Royal Asiatic Society of Great Britain and Ireland Vol. III, Part II, Article X., pages 191-252 (London 1835); pages 1-20, with Mr. H. C. P. Bell's amendments, in Appendix I to his Archaeological Report on the Kegalla District—Sessional Paper XIX. of 1892: pages 65-67 and 109-132 in Sawers' *Digest* but without the notes; the sections by Sawers in Appendix I. of Hayley's *Sinhalese Laws and Customs*.

L. J. B. TURNER,

Director of Statistics and Office Systems

Statistics Office,
Colombo, September 5, 1928.

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A Sketch of the Constitution of the Kandyan Kingdom

N.B.—Letters which are bracketed thus [ ] occur in the MS. copy of the Royal Asiatic Society (Ceylon Branch). Letters bracketed { } are suggested insertions. Those in ( ) are as they appear in original MS. Dots ..... indicate blanks or illegible passages in the MSS.

The Power of the King is Supreme and absolute.

The Ministers advise, but cannot control his Will.

The King makes Peace and War, enacts Ordinances and has the sole Power of Life and Death.

He sometimes exercises Judicial Authority, in civil and criminal cases, either in original Jurisdiction or in appeal.

The Acts of his Government are presumed to be guided by the Institutions and Customs of his Kingdom.

Before innovations of Importance are carried into Effect it is customary to consult the principal Chiefs, and frequently the principal Priests, and when other matters of Public moment are in agitation the same Persons are usually called to his Councils.

The Authority of the King is exercised through many officers of State.

The principal officers employed in the administration of Public affairs, are, The two Adikarams, commonly called Adikars.

The Disaves or Governors of Provinces chiefly situated below the Mountains.

The Lekams, or Chiefs of Departments, within the Mountains.

The Rate Mahatmeyo or Governors of smaller Districts above the Mountains.

The Officers attached to the King's Household, the Chiefs of Departments employed in his Personal Service and the *Principals of Temples, attend also on many Public occasions, and in some Instances take Rank above a part of those just mentioned, but for the sake of Distinction will be separately described after them.

The Officers are either chiefs of Provinces or Villages possessing Jurisdiction within certain local Limits; or Chiefs of Departments possessing Jurisdiction over Persons dispersed in different Districts or Villages.

They possess universally authority both Executive and Judicial within their respective Jurisdictions. Two or more offices, are sometimes conferred upon the same Chief.

They receive no stipends, but are entitled to sundry Emoluments from the Persons under them, and in Consideration thereof, pay certain fixed annual Tributes into the Royal Treasury.

The Kandyan Chiefs and all other subjects on approaching the King, make obeisance by three prostrations, and receive all his orders, and make all communications to him on their knees.

Adikars

The highest officers of State are the two Adikars called Pallegampahe and Udagampahe. They possess equal Powers and Privileges within their respective Jurisdictions, but Pallegampahe Adikar has the precedence.

By inferior Chiefs and People they are distinguished by the more honourable Appellation of Maha Nilame or Great Officer.

The Persons subject to the peculiar Jurisdiction of the Adikars are, the Katubulle People or Messengers who convey the King's and

* Principals of Temples dedicated to the worship of the Hindoo Gods—these officers are called Basnaike Nilame.

Adikar's orders, and summon Persons required to attend them. They are constantly on Duty. Part at the Palace, and part at the Adikars' Houses, and are relieved every fourteen Days with their Headman called Korle Atchile.

The Kasakara People or Whip Crackers, who crack Whips before the King and the Adikars whensoever they move abroad—they are of the same Class with the Katubulle, and sometimes perform either Duty, two come on Duty at a Time, and are relieved in like manner with the Katubulle.

The Rekawallo who Keep Guard at the Great Goal* in Kandy and have General charge of the Prisoners and execute Criminals condemned to Death.† The Rekawallo of Pallegampahe and Udagampahe serve alternately, and are relieved every fifteen Days with their Headman called Duraya [and Hirage Kankanam].

The Villages of the Katubulle and Kasakara people of Pallegampahe and their Numbers are as follows:—

Ampitiya 22 under the orders of a Headman called Korle Atchila.
Dehideniya 10 under the orders of a Headman called Korle Atchila.

Mavilmada 15 under the orders of a Headman called Korle Atchila.
Owisse 8 under the orders of a Headman called Korle Atchila.

Alutgame Atapattu 22 under the orders of a Headman called Korle Atchila.
Alutgame Gampattu 12 (or Beena 22) under the orders of a Headman called Korle Atchila.

They attend on duty in Rotation with their Korle Atchila according to the above three divisions, each having 15 Days of Service and 30 Days of Rest—Such Persons of each Division, as fail in Personal attendance, pay one Ridi each of which two are allowed to the Korle Atchila, and the rest are the Perquisite of the Adikar.

The Korle Atchiles are nominated annually by the Adikar from certain Katubulla Families, and pay from 5 to 15 Ride each for the appointment.

---

* *Sic.*

† In 18 two Rhodiyas and a Wellalle, being convicted of a murder, committed in the village Hurikaduwe were sentenced to be hanged near the place—the Rekawallo did their duty with the Wellalle convict, but refused to execute the Rhodiyas—whereupon some of the latter caste, who dwelt in the neighbouring Cooppyam were called out and employed as executioners.

The villages of the Rekewallo of Pallegampahe and their Numbers are as follows:—

Wilana, 1 Headman called Duraya and 11 men.

Mahaiyawe, 1 Headman called Duraya and 2 men. There were formerly 7.

Watabuluwe, 1 Headman called Duraya and 2 men. There were formerly 5.

They attend on Duty with their Duraya in rotation, according to the above three Divisions, 15 Days at a time but alternate* with those of Udegampahe, since the Numbers of the last two Villages have been reduced they assist each other, when their Turn occurs. They are under the orders of a Hirage Kankan, appointed annually from the Korle Atchiles.

There are besides at Alutgama, 1 Binne Aratchy and 32 Men, who perform no Public Duty, as above, but pay certain Dues to the Adikar and a part of them are liable to occasional Work.

The Villages of the Katubulle, and Kasakara People of Udagampaha and their Numbers are as follows:—

Peradeniya		8	under the orders of a Korle-atchile.
Kotmale and Pussellawa	attached to Peradeniya	18	
Mulgampola		14	under a Korle-atchile.
Bowala		15	under a Korle-atchile.
Dodanwala		16	under a Korle-atchile.
Tunpanahe	attached to Peradeniya	6	under a Korle-atchile.

They attend on duty in rotation according to the above four Divisions, having 15 Days of Service and 45 of Rest. The absentees pay a Half Ridi each of which two are allowed to the Korle Atchile, and the rest belong to the Adikar. The Korle Atchiles are appointed annually and pay 10 Ridi each.

The Villages of the Rekawallo of Udagampahe and their Numbers are as follows:—

Mapanawatura	1	Duraya and 6 men.
Egodamura in Attaragama and Haloluwe	1	Duraya and 6 men.
Kahalle	1	Duraya and 5 men.

They attend on duty in rotation with their Duraya according to the above three Divisions, 15 Days at a time, but alternate with those of Pallegampahe. They are under the orders of Hirage Kankan appointed annually as above.

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* *Sic.*

There are also one Hewa Duraya and 8 men of Gahalagamboda and one Duraya and 8 men of Atabage who are obliged to perform certain menial Service under the Adikar.

The Police of Kandy is under Charge of the Adikars. For this Purpose the town is distinguished into two Parts by a line drawn through the middle of the street called Swarna Kalyana Widiya, the Northern. Division being under the orders of Pallegampahe Adikar, and the Southern division under the orders of Udagampahe Adikar. Formerly the two Hirage Kankans, and within the last few years of the deposed King's Reign four Widiye Aratchies acted as Police officers under them.

The Maha Hirage or Great Goal* in Kandy is under Charge of the Adigars and of their immediate officers the Hirage Kankans and Rekawallo alternately for 15 Days as above stated.

The Ferries on the great Kandyan river of Alutgantotte, Leweylle (and formerly Kundasale) are under the charge of Pallegampahe Adikar, and subordinate to the Adikar, of the Hirage Kankan. There is one Family at each Ferry, who according to Circumstances paid annually from 10 to 50 Ridi each to the Adikar and 5 to the Hirage Kankan. Donies are furnished by certain Villages in Dumbara.

The Ferries of Ganoruwe, and Katugastotte are under the charge of Udagampahe Adikar, and Subordinate to the Adikar, of the Hirage Kankan. At Ganoruwa the Duty is performed by three or four inhabitants of the Neighbouring Village who pay annually from 300 to 500 Ridi to the Adikar and 40 or 50 to the Hirage Kankan. The Donies are furnished by the four Katubulle Villages of Udagampahe.

At Katugastotte the Duty is executed by three or four Rekawallo who pay annually from 400 to 600 Ridi to the Adikar and 150 or 200 to the Hirage Kankan. The Donies are furnished by the People of Harris pattu.

The Ferry men enjoy no Lands for this service, but make the above Payments in Consideration of the Profits.

All Persons pass the Ferries to Kandy free of Payment. Persons passing into the Country from Kandy, pay one Pice or four Challies each with the Exception of Persons attached to the King's Household, of great Chiefs and Priests with their Followers, of Messengers proceeding on Duty and of Persons—who according to custom deliver

* *Sic.*

annually to the Ferry Men at Harvest time, a certain quantity of Paddy or other Produce in lieu of Payment every time, and of the Inhabitants of Harris pattu and the Hither Part of Dumbara who furnish Donies, the former to Katugastote, the latter to Alutgantote and Lewella.

The Adikars also possess a general Jurisdiction over the whole of the Kandyan Provinces, according to the following Partition:—

A Part of the *western, the Northern, the Eastern and Part of the Southern Provinces are Subject to the Authority of the 1st Adikar, consisting of the 7 Korles, Uva, Matale, Walapane, Wellasse, Bintenne, Nuwarakalaweya, Tamankada, Haris pattu, Dumbara and Hewaheyta.

The greater Part of the Western and Southern Provinces are under the Authority of the 2nd Adikar, consisting of the 4 Korles, 3 Korles, Saffragam Korles, Udapalata, Udunuwere, Yatinuwere, Tumpanahe, Kotmele and Bulatgama.

This Jurisdiction, however, is of a very *limitted nature, and is exhibited principally in the following Instances—

The Katubulle Messengers of Pallegampahe convey orders and summon Persons within all the Provinces belonging to the 1st Division.

The Katubulle Messengers of Udagampahe within all the Provinces of the 2nd Division, and never *vice versa*—except that when an urgent order is to be expedited, or when a first order has been disobeyed, 2 Messengers, one from each Class, are despatched together.

When in any Civil or Criminal Case, which is difficult of Decision, the Chief of a Province or Department makes reference for advice, or when the Parties themselves complain, the Adikar, within whose Jurisdiction the Case arises, hears and decides or refers to higher Authority.

When any matter not Judicial, or any Difficulty in the Execution of his Duty, is brought to Notice by the Chief or by others, the Adikar within whose Jurisdiction it occurs, gives his Counsel, Aid and Support, or if necessary, refers it to higher Authority.

The Fee of 2 Ridi paid upon Discharge by Prisoners confined in the Maha Hirage, is the Right of the Adikar, within whose Jurisdiction the Prisoner is an Inhabitant.

The Written Oaths for swearing by oil are granted by the Adikar, within whose Jurisdiction the Case arises, in the Districts situated within the Mountains.

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* *Sic.*

Honours and *Privelages

In the King's Presence, and on all other Public occasions the 2 Adikars have the Precedence.

The Adikars, whenever they move, are preceded by Persons cracking Whips.

No Person can remain in the *Verandas of Houses and all must give Way as they pass.

No Person of whatever Rank below the Royal Family can sit, when the Adikars are standing.

No Person can ride on an Elephant, Horse, or in a *Palenquin, whilst the Adikar is on Foot.

If a Disave Visit the Adikar in his Disavony he must cease beating Tomtoms, within sight of his residence.

If the Adikar pass through the Disavony of another he precedes, and the Disave follows 2 or 3 Miles behind with Tomtoms.

The Adikars cannot use Tomtoms in Kandy, nor in any other Province than their respective Disavonies.

Without special Leave, they cannot ride in palenquins, on an Elephant, or Horse within the River nor anywhere, in attendance on the King.

When the Adikars are at the Palace all the public Communications to the King are usually made through them.

The King's orders for performing public Works at the Palace, in Kandy, or in the Country are usually conveyed to the proper Chiefs and Authorities through the Adikars.

The King's general orders to the People are communicated to the Inhabitants of Kandy and to the Headmen of the Provinces residing in Kandy, by the Adikars.

The King's orders are conveyed to chiefs resident in the Provinces by olas written to them in the Name of the 1st Adikar, if he be in Kandy, in his absence by the 2nd Adikar, and in the absence of both by the Chief next in Rank.

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* *Sic.*

The Adikars are particularly charged with Conducting the Public Festivals and Repair of Temples, the catching of Elephants in Kandy, and personally superintend these and other Public Works.

They are charged with the Repair of the streets, and with every Work contributing to the Beauty and Cleanliness of the Town.

In Superintending the Performance of any of these Works in Kandy they have Power to imprison and punish any Headmen of the Provinces for neglect or Disobedience, except Persons belonging to the King's Household or Court, and those only upon Representation to the King.

When Cases of Importance are heard by the King himself, or by the Great Court, the Adikars are present.

The Adikars hold the first Seats in the Great Court of Justice, called Maha Naduwa, take the leading Part in the Proceedings, are the principal Reporters to the King, and give the Sittu or ola of Decision.

All sentences of Corporal Punishment by the King's order are executed in their Presence.

In suits of Land the Adikars have Power to sequester Lands and Crops.

The Adikars have the exclusive Power of causing Punishment to be inflicted with the Cane.

They have the exclusive Power of granting the written Oath for Swearing by Oil, and of granting the written Decrees called Sittu, in all Cases which arise in the Districts situated within the Mountains.

The Adikars are usually consulted by the King upon the appointment of all other Chiefs, upon the appointment of Chief Priests, upon Grants of Lands or Rewards for Services.

Grants of Land by the King's orders are signed by [either of] the Adikars.

Sannasses or Royal Grants are delivered to Superior favourite Chiefs by the King himself.

The same to all other Persons by the Adikars in the King's Presence.

The Ceremony of conferring Titles by tying a Plate on the Forehead, is performed according to the same Rule.

A Cane curved at the Top is the Adikar's peculiar Staff of office, and is delivered into their Hands upon their appointment.

It was formerly a painted cane with Silver Head and Ferule, but a Cane entirely cased with silver was adopted by the deposed King.

The Katubulle Messengers carry in their Hands as an Emblem of office, a silver Headed Cane curved at the Top. [But people of low caste attached to the Katubulle, wear straight canes not being allowed to use such as are curved or headed with silver].

When they carry the King's orders to a Disawe residing in his Disavony, they receive besides Provisions, 5 Ridi in token of Respect.

Wheresoever they go, they are furnished with Provisions Gratis, and excepting in the Houses of Persons of Rank, a Stool or elevated Place is spread with white cloth, and their cane deposited upon it, whilst they remain.

The Katubulle People annually deliver certain Rice Duties into the Royal Store called Maha Gabadawa.

The Adikars pay annually into the Royal Treasury a Sum of {500} Ridi each, being their Tribute called Dekum, in Consideration of the Privileges and Emoluments above mentioned.

When one Adikar is absent from Kandy, his Ministerial Duties devolve upon the other.

For the better support of their Dignity, a Disavony is usually conferred upon each Adikar and sometimes other offices, in which Case besides the foregoing, they perform all the Duties and enjoy all the Honours, *Preveleges and Emoluments of a Disave or of such other offices.

Division of the Kingdom

The Kandyan Kingdom consisted of 21 grand Divisions of which 12 Principals are called Disavonies, and the Majority of the rest Rata—and they may properly be denominated Districts.

The Disavonies were each placed under the orders of a Chief or Governor called Disave, and are as follows:—

The 4 Korles	Walapana
The 7 Korles	Udapalata
Uwa	Nuwerakalawiya
Matale	Wellasse
Saffragam	Bintenne
The 3 Korles	Tamankada

* *Sic.*

The other 9 Districts were respectively under the authority of Chiefs, who, except the 2 last were Distinguished by the Name of Rate Mahatmaya and are as follows:—

Udu Nuwera	Hewahete
Yati Nuwera	Kotmale
Tumpanahe	Uda or Upper Bulatgama
Haris pattu	Pata or Lower Bulatgama
Dumbara	

The 4 Korles

The Province or Disavony called the 4 Korles extends Westward from the Mountains which limits the high Country of Ceylon to the frontier of the Maritime Provinces. Its mean Distance from E. to W. may be estimated at about 26 E.M. from N. to S. about 14 English Miles.

It is bounded* in the E. by a range of Mountains, which separate it from Tumpanahe, Yatinuwere, Udunuwere, and Udupalate, of which the principal Points extending S. from Alagalle Kanda, are Balane Kanda, Maragaha Eyla, Kadugannawa Nikahetiye or Alpiti Kande, and Ambaluwane Kande.

On the S.-E. and S. it is separated from Dolosbage by a Branch of the same Range in which the Principal Hills are Naatte Kanda, Rahalegale and Murute Kanda. On the S. from *Lover Bulatgama and the 3 Korles by a less Mountainous Limit, in which the principal Points are Alkedena Gala, Kahapitiye Kele Hinna, Etgale Owita Dunumadalagahagawa Hinna, the Gravet of Kotika Kumbura on the great Road to Colombo, Ilukmodere and Galapitamade.

On the W. from the Hinna K. and Hapitigam K. by a line in which the principal Points are Tittawel Mankade the Gravet of Dummoladeniya, the Gravet of Wahawihawita and Algam Kanda.

On the N. from the 7 Korles by the Mountains Parapa Kanda, Galadinikada Kanda, Siruwanagalla and the River Maha Oye, which falls into the Sea at the Ferry of Kaymel, [14] Miles N. of Negombo.

The 4 Korles, from which the Province derives its Name and the Smaller Districts called Pattu and Palata, into which each Korle is divided, are as follows:—

1st Galbada K. contains 5 Pattu—Galbada P., Meda P., Ganey P. Egoda P. and Tanipperu P.

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* *Sic.*

2nd Paranakurua K.—Maha Palata, Ganhate Palata, Kumbalgam Palata.

Handapandunu K. is a part of Paranakuruwe and consists of Kanduha Pattu and Mawata Pattu.

3rd Kindigoda K. contains Medde Mediliga P., Walgam P., Deyala Dahamune P.

4th Beligal K.—Kiraweli P., Kandupiti P., Otara P., Gandoloha P.

{Classes of Inhabitants}

The several Classes of Inhabitants, the Headmen appointed over them, and the Service and Duties to which they are liable are as follows:—

1st The Atapattu People hold the 1st Rank.

They are Subject to the Orders of 5 Headmen who cause all Duties to be performed by them, viz., 1 Atapattu Lekam over the whole, and 4 Aratchies, 1 in each Korle.

The Aratchies are called also Peramune Rale because they go in front immediately attending the great Banner of the Disavony.

The Atapattu People perform Mura *i.e.* attend on Duty at the house of the Disave in Rotation, according to the 3 following Divisions:—

1st Those of Galboda Korle and Kindigoda Korle together;

2nd Those of Paranakuruwe Korle;

3rd Those of Beligal Korle—

and the Term of Duty is 30 Days each time.

Thus every Person is liable to 1 Month of Service and 2 of rest, or Serves 4 Months and rests 8 Months within the year.

The Number of Atapattu People who actually come on Duty, varies according to the Exigency of the Service and the Numbers liable usually from about 25 to 50.

The rest pay a fixed fine or Commutation Money called Mura Ridi, being 2 Ridi each Person for the fixed term of 30 Days. Of these Defaulters, 10 Persons or rather the Commutation paid by them, are given up to the Atapattu Lekam and 5 to the Aratchies—The rest is the Perquisite of the Disave. But certain Persons, who are opulent in each

Korle are accustomed to deliver instead of the Mura Ridi a Load of Rice (equal to about 25 Measures) and the Aratchie usually obtains rice from the 5, Sufficient for his Subsistence during his term of Duty in Kandy.

The Atapattu People keep guard in a Building appropriated to them near the Disave's House, called Atapattu Maduwe, where they have in charge the great Banner, the Lekam Mittiya, the Mura Awuda, and have the custody of Prisoners confined there.

Their Principal Duty is to convey the Disave's orders throughout his Disavony, and to call all Persons whose attendance he requires either in Judicial Matters or for Service, or for the Collection of Revenues.

They attend the Disave wheresoever he goes abroad and one of their Numbers carries the great Banner on Public occasions, and the Mura Awuda, when he goes to the Palace or elsewhere.

Since the time of Disave Lewuke they have assisted in dragging Timbers for Public Works, but it is not considered their Proper Duty.

They prepare Withs and weave Olas, when required for Buildings.

They punish offenders with the open Hand, under the Disave's orders, and hold them whilst punished with Rods by the Kodituakku People.

They gather and carry Flowers, and other Offerings to the Temples.

When the Disave first comes into his Province, they all furnish him one turn only, with Adukku or dressed provisions.

When the Atapattu Lekam proceeds upon Service into any Korle, or the Atapattu Aratchies into their respective Korles, they are supplied with Adukku by the Atapattu People.

The Atapattu People are not liable to the Payment of Kada Rajakariya or any other Duties to the King.

The Principal People of the Disavony hold Atapattu Lands and on account of its respectability, many Persons belonging to the 2 Classes next mentioned, have by favour of the Disaves been at different Periods enrolled in this Department.

2nd The Gamwasam People hold the 2d Rank.

They are under the orders of Headmen called Korales, Kankans and Atukorales, who are appointed in the several Korles and Pattus as follows:—

In Galboda Korle

Galboda P.—1 Korale, 1 Kankan and 1 Atukorale
Meda P.—1 Korale and 1 Atukorale.
Ganney P.—1 Korale and 1 Atukorale.
Egoda P.—1 Korale and 1 Atukorale.
And 1 Kankan for the 3 last mentioned Pattus.

A Mohottale, whose peculiar Duty it is to collect Pandura Mila, and superintend the Disave Gabada Gan.

Paranakuruwe K.

1 Korale, 1 Kankan and 1 Atukorale over the 3 Palata. A Lekam, who collects the Panduru Mila and superintends the Disave Gabada Gan.

Handapanduru K.

Kanduha P.—1 Korale and 1 Kankan.
Mawata P.—1 Korale and 1 Kankan.
And 1 Atukorale for the 2 Pattus.

Kindigoda K.

Medde Mediliya P.—1 Korale, 1 Kankan and 1 Atukorale.
Walgam P.—1 Korale and 1 Atukorale.
Deyala Dahamuni P.—1 Korale and 1 Atukorale.
And 1 Kankan for the 2 last Pattus.
A Lekam who collects the Panduru Mila.

Beligal Korle

Kiruweli P.—1 Korale and 1 Atukorale.
Kandupiti P.—1 Korale and 1 Atukorale.
Otara P.—1 Korale and 1 Atukorale.
Gandolohe P.—1 Korale and 1 Atukorale.

A Mohattala, who collects and sends the King's and Disave's Revenues and *superintend the Disavony Gabada Gan Village in the whole Korle.

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* *Sic.*

The Gamwasam People have no Mura or regular and constant Rotation of Duty at the Disave's House.

They drag Timbers for the Public Service or for the Disave's Use in Kandy or in the Disavony, and for this purpose attend at such times and in such Numbers as the occasion requires.

They deliver into the Royal Store Maha Gabadawa, the Duties called Kada Rajakariya. Each Village being subject to the Payment of a Kada or Pingo, a Kirawala † or Half Kada according to a Taxation in the Lekam Mitiya or Ola Record, of the Maha Gabadawa. Each Kada consists of 12 Neyli (or Measures) of Rice and 8 cocoanuts, and the Kirawala†, of Half that quantity.

In the greater Part of the Beligal K. this duty is paid in Cash at the Rate Specified in the Lekam Mitiya of 22 Tuttu or Pice for 1 Kada.

They deliver Duties to the Disave called Walawuwe Kada, precisely of the same Nature with those Payable into the Maha Gabadawa but inferior in amount.

They pay annually to the Disave Panduru Mila, being a Duty of 20 Tuttu per each Kada.

Both the foregoing are payable from the Korle Gan Wasam and not from the Ninda Gam Wasam.

They furnish daily by Rotation of Korles and Pattus, Adukku or dressed Provisions for the Disawe and Followers and Peyhidun or raw Provisions for the Disawe himself, so long only as he is resident in the Disavony upon service.

They furnish Adukku to their respective Korales, whilst travelling within the Korle or Pattu upon the Public Service either collecting Duties or assembling People, or Superintending their Labours.

3rd The Hewa or Mohandiram Wasam People.

They were originally under the orders of distinct Mohandirams, but of late Years have in most Instances been placed under the Korales.

The Mohandiram and other Headmen of this Class are as follows:—

In Galboda K.

Galboda P.—One Mohandiram which office is sometimes vested in the Korale and 1 Hewa Aratchy.

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† Kerawala

Ganey P. and Mede P.—1 Hewa Aratchy for the two Pattus and some times one for each—the Hewa Wasam People being subject to the orders of the 2 Korales.

Egodapata P.—1 Hewa Aratchy—the People being subject to the orders of the Korale.

Tanipperu P.—1 Mohandiram who is called Korale, 1 Hewa Aratchy, and 1 Atukorale Atchile appointed by the Mohandiram to convey his Orders.

In Parenekuruwe K.

1 Hewa Aratchy over the Hewa Wasam People of the 3 Palata who are Subject to the Orders of the Korale.

In Handapandunu K.

1 Aratchy over the Hewa Wasam People of the 2 Pattu, who are under the orders of the Korales.

In Kindigoda K.

1 Hewa Aratchy for the Hewa Wasam People of the 3 Pattu who are under the orders of the Korales. 1 Mohandiram and 1 Hewa Aratchy over Hangawela Walpola Mohandiram Wasam.

In Beligal K.

4 Hewa Aratchies *i.e.* 1 over the Hewa Aratchy Wasam People, of each Pattu, who are subject to the orders of the Korales.

1 Mohandiram (no Aratchy) over the Gardiye Mohandiram Wasam, the people of which are dispersed in all the 4 Pattu.

The Hewa Wasam People perform Mura *i.e.* attend upon Duty in Rotation with their Aratchies according to the same 3 Divisions of Korles, and for the same Periods as the Atapattu People.

The Number of those who actually come on duty varies usually from to according to the Exigency of the Service. The rest pay 2 (Mura) Ridi each—in lieu of Service—whereof, 2, 3 or 4 are allowed to the Korale or Mohandiram and Aratchy. 1 to the Hewa or Atukorleya, and the Remainder is the Perquisite of the Disave.

They keep Guard not at the Disave's House, but at the Dandu Maduwa or Building appropriated to the Storing of King's Timber in Kandy. They fell Timbers in the Forests for the King's or the Disave's

Service, of late Years they have been employed also in dragging or carrying Timbers, but formerly it was not considered as their proper duty.

They cut Wall Timbers and plant them, and thatch Public Buildings or the Disave's House.

They carry the *Atkadi or small Banners of the Disavony in Public Processions, and when the Disave travels. They are not liable to the Payment of Kada Rajakariya or any other Duties to the King.

The Kodituwakku or Ginjal People

They are People of the †Low *Cast called Paduwas and reside only in 4 Villages: Kudagama and Hewadiwala in the Kindigoda K., Elugalle and Henipola in the Galboda K.

The people of Kudagama are under the orders of a Mohandiram and of a Headman of their own *Cast called Duraya.

The People of Hewadiwala are under the Orders of a Mohandiram and of 2 Headmen of their own *Cast called Maha Duraya and Hewa Duraya.

The People of Elugalle and Henipola are jointly under the Orders of a Mohandiram and a Duraya.

The[y] perform Mura or attend on constant Duty at the Disave's Residence with their respective Mohandirams and Durayas in Rotation according to the above 3 Divisions for the Term of 30 Days each—and the Absentees pay 2 (Mura) Ridi which are applied in the Manner above stated.

The[y] keep Guard at the Building called Kodituwakku Maduwa, where the Ginjals of the Disavony are kept, and have Custody of the more atrocious Prisoners who are committed to them.

They are sometimes sent into the Country to *sease Criminals and refractory Persons.

They carry Ginjals before the Disave when he travels and on all Public Occasions.

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* *Sic.*

† In some Districts there are Moormen and Potters and people of other castes. besides who hold land in the Kodituakku Department and in Ouvah, Wellasse and Walapaney they are Wellales who hold land on the tenure of Kodituakku Service.

They dig and carry Earth and Stones provide Medicinal Herbs when required from the Jungle and perform other Menial Labour for the King's or the Disave's Service, but *neather fell nor drag Timbers, nor furnish Firewood or Water for His Household.

MOHANDIRAM

The Kula Hewa Mohandiram People

They are all Paduwas, *disposed in different Villages and subject to the Orders of a Mohandiram and under him, of a Duraya of their own *Cast.

They attend on Duty in Kandy *ones in 3 months in Rotation with the 2 Batgamwala Mohandiram Wasam People below mentioned and serve 3 Days at a time.

They perform menial Labours for the King's or the Disave's Service which chiefly consist in bringing and Preparing the smaller Materials for Buildings.

When the Disave is in his Disavony, they keep Guard at a Gravet near his Residence. When he travels, it is their Duty to move on both Sides of his Palanquin in the Jungle near the Road.

They execute condemned Criminals (which rarely occurs) within the Disavony.

MOHANDIRAM

The 2 Batgamwala Mohandiram People

They are of the Low *Cast called Berawaya, and reside in the 4 Villages Ginihatpitiya and Ballatgomuwa, Tellake and Kalahagoda in the Paranakuruwa K.

The 2 first Villages are subject to one Mohandiram, the 2 last to another, but sometimes all 4 are placed under one. Headmen of their own *Cast called Hulawaliys are appointed over them, one in each Village.

They attend on Duty at Kandy in Rotation with the Kula Hewa Mohandiram People, and perform the same Menial Services for the King or the Disave as above stated, except that of Executioners.

The People of the 2 first Villages occasionally carry the Hinder Part of the Disave's Palanquin.

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* *Sic.*

Hitawidakarayo

These are People of Low *Casts, Inhabitants of the 5 following Villages called Disave Gabada Gan, viz., Pamunuwa, Padidora, Mawana, Kawudawulle, Dorawaka, Ballapana.

They are under the orders of 5 Separate Vidans appointed by the Disave, and of *Patty Headmen, Durayas, and Hulawaliyas of their own *Cast within each.

1 or 2 Men from each Village are constantly on Duty at the Disave's House in Kandy, where a Distinct Headman called Hitawida Vidan is appointed to control them and Superintend their Work.

They are employed in many Menial Labours, at the Palace or at the Disave's House, consisting chiefly in the Repair and Cleansing of Buildings and Courts. When an important Work is undertaken, a greater Number of the Inhabitants are called to Kandy.

They cultivate Royal Fields within their respective Villages as will be notified hereafter.

The Kottalbadde or Artificer's Department

These Persons have sometimes been placed by the King under the Orders of a Separate Chief, called Pata Rate Kotalbadde Nilame, but now frequently are under the Disave who appoints a Vidan over them.

They consist of the following classes:—

7 Waduwa or Carpenters under the orders of a Headman called Mulachariya appointed by the King, upon the Disave's Recommendation, who perform all Carpenters' Work for the King or Disave and, are usually employed at the Dandu Maduwa in Kandy.

5 Liyana Waduwa or Turners, 5 Hittaru or Painters.

14 Iwaduwo or Arrow Makers under a Headman called Hangidiya.

They Manufacture and paint Bows, arrows, Spear Shafts, Banner Staves and Walking Sticks and 2 of them perform Service in the Ranawuna Mandape.

14 Atapattu Kareyo who furnish or execute fine Work, and are principally employed in ornamenting or inlaying Locks, Guns, Knives,

* *Sic.*

Locks, Handles, &c., with Gold, Silver or Brass, 2 of them perform Service in the Ranawuda Mandape.

4 Badallo or Silversmiths under the orders of a Mohandiram who perform any Gold, Silver, Brass or Copper Works, and 2 of them perform Service in the Ranawuda Mandape.

1 Galwaduwa or Stone Cutter.

20 Mura Achariyo or Blacksmiths under the orders of a Hangidiya and Atu Hangidiya, a certain Number of them, varying according to the Exigency of the Service attend constantly in Kandy, and erecting Workshops near the Disave's House, execute all kinds of common Iron Work, for which the Metal is furnished to them.

8 Blacksmiths, without regular Service Lands under the Orders of a Hangidiya who appear before the Disave at the New Year with a Knife and Scissors each, and are called to Service only upon Emergencies.

10 Disave Blacksmiths under a Hangidiya, who work for the Disave only.

But these 3 Classes of Blacksmiths are sometimes placed under the same Hangidiya and Atu Hangidiya.

All the above Artificers except the Blacksmiths last mentioned perform either particular works directed by the King, or Works belonging to Public Buildings allotted to the Disavony or any Works required by the Disave.

The Badahelabadde or Potters' Department

In Galboda K. and Paranakuruwe K. are 8 Potters under the Orders of a Vidan of their own Cast appointed by the Disave.

In Kindigoda K. and Beligal K. are 14 under another Vidan nominated in the same Manner.

But sometimes one Vidan is appointed over the Potters of the 3 last Korles.

The Potters of the 1st Division attend on Duty in Kandy during one Month at the Maha Gabadawa, and are then relieved by those of the 2nd Division, who serve one Month more. During this Period they are obliged to furnish as many Earthen Vessels as are required for the

Maha Gabadawa, and to make Tiles and Bricks and perform any other Potters' Work required for the King's service.

At their Departure from Duty, each Division supplies 100 Earthen Vessels to the Disave's House.

This 2 Months' Duty is performed in Rotation with the Potters of the Upper Districts, the 7 K., Uwa, and Matale, and thus occurs once in 10 Months.

In the Disavony they are bound to furnish Tiles, Bricks and all Kinds of Pottery for the Disave's use, and Earthen Vessels to the Different Resthouses when the King or Ambassadors come into the Disavony.

When many Tiles and Bricks are ordered for the King's Service, the People of Siyambalangomuwe and Godagama are called to furnish firewood.

The Hewa Wasam People erect the necessary Buildings.

Radabadde or Washers' Department

The Washermen reside in all Parts of the Disavony, but are not a very numerous Class.

They are under the Orders of 5 Headmen called Vidane Henaya appointed in the Galboda K., Paranakuruwe K., Handapandunu K., Kindigoda K., and Beligal K., who have Authority each over the People of their respective Korles.

But occasionally the Washers of 2 Korles are united under the Orders of one Vidane Henaya.

They attend in Kandy on Duty for 3 Months at the Beginning of the *Singelese Year, the other 9 months' Service being performed in Rotation by the Washermen of the 7 Korles of the Upper Districts and of Matale, 3 Months each.

Their duty consists in hanging Cloths in the Maha Gabadawa, and in the Different Apartments of the Palace, in furnishing clean cloths, for the temporary use of the Principal Attendants of the Palace— Torches and Rags for Lamps.

All come at the commencement of the Mura to hang the Cloths, after which according to Arrangement amongst themselves, 1 or 2

* *Sic.*

Vidane Henaya and a competent Number of Washermen remain to perform the Duty during the Period of 3 Months.

In the Disavony they are obliged to hang Cloths constantly in the Disave's House and in all Resthouses temporarily erected for the King, Ambassadors or the Disave, and in Houses prepared for the Reception of the Atapattu Mohottale and Korales.

The Cloths are provided by themselves, from the Emoluments to which they are entitled by Custom from the Inhabitants of the Disavony, whom they serve, consisting of cloths, Paddy or Money or if these be insufficient by other means.

Handabadde

These are an inferior Class of Carpenters and consist of only 6 Families under the Orders of a Vidan. Their Duty consists in furnishing for the Public Festivals in Kandy a fixed Number of Couches, Stools, and Baskets of various kinds woven with Rattans, and besides as many Baskets as may be occasionally demanded for the King's or Disave's Service.

They deliver these Articles to the Disave, who sends them to the proper Department in Kandy.

The Kuruwe or Elephant Department

The Kuruwe Department is sometimes placed under the Disave of the 4 K. but is sometimes conferred as a Separate office by the King upon another Chief of Rank, who is then called Kuruwe Lekam, and by Inferiors Kuruwe Disave.

A Vidan is appointed by the Disave or Lekam over all the Kuruwe People and under him are 3 Kankans, who convey his orders to the People Viz: 1 for Paranakuruwa K., 1 for Galboda and Kindigoda K. and 1 for Beligal K. respectively.

Their duty consists in taking and taming Wild Elephants and in Keeping tame Elephants committed to their Charge.

In the Kindigoda K. are 3 Villages called Pannegam, of low Cast People under 7 Headmen called Durayas. The Durayas erect the Panti or Elephant Stalls and the People furnish fodder to the Elephants.

There are 10 Galladdo, and under them 2 Patabando and 13 Panikkah in their respective Villages whose General and ordinary Duty consists in taking Care of Decoy Elephants. These are suffered to roam and pasture in the Jungle with their Hind Legs loosely tied together, and are brought in by their Keepers once in 3 or 4 Days, and their Legs being untied, are bathed for 2 or 3 Hours in a Pool and then turned into the Jungle with their Legs coupled as before.

When Wild Elephants are ordered to be caught, they collect the Decoy Elephants and proceeding with them into the Jungle unite them with the wild Herd, and with the Aid of the Panikkale below mentioned drive them into the Kraal, and secure them, and tie them in the Stall.

There are besides independent of the Galladdo 16 other Panikkale who assist in driving the Elephants into the Kraal, and securing them, and from the Moment of tying them in the Stall undertake the sole charge of them and tame them, which is usually accomplished in 6 to 12 Months. After taming, the tusked Elephants are sometimes sent to Kandy, and sometimes remain in their Custody, the rest are usually delivered to the Galladdo and occasionally tusked Elephants not caught in the 4 K. are delivered to the Charge of these Panikkale by the King's Orders.

When Elephants are ordered to be Caught, the Kuruwe People are usually placed under the Orders of the Disave, because the Assistance of the Disavony People is required.

A Gala or Enclosure is constructed by the People of the Disavony with Piles from about 18 to 24 Inches in Diameter and 9 or 10 Feet above the Ground strengthened by 4 cross Bars of Cocoanut or other Trees from 10 to 15 Inches Diameter.

It is usually of Quadrangular Form in plain Ground, but sometimes circular or irregular according to the Nature of the Spot selected, and contains a space of 2 to 4 Acres. Within this Area a rude Platform is prepared upon a Tree, or if there be none convenient, upon a Pillar planted for the Purpose, in which 4 or 5 Men are stationed with Cords and Nooses, 2 Gateways are left in the Gala, about 10 Feet wide and nearly opposite to each other, in order that the Elephants when driven may suppose, that there is a clear passage through.

A Herd of Wild Elephants having been found, the Galladdo, and their People collect their Decoy Elephants of which the greater Part should be Females and proceeding into the Jungle unite them with the Wild Herd.

People of all Classes within the Disavony are called out, and form a Circle or rather an irregular line around the Elephants, and keep constant Guard with Guns, Lances, long pointed Poles called Ritili and Swords standing at Intervals of 1 or 2 Fathoms from each other in open or small Jungle Ground and of 10 or 15 Fathoms if there be the Aid of Rocks or Steep Places difficult for Elephants to pass. They erect small Huts of Talapat Leaves for Shelter, and sometimes strengthen their Position by a Fence of Trees *filled on the spot and deter the approach of the Elephants by brandishing their Weapons and by threats, and by fires Kindled throughout the Night.

The hunt usually last from 1 to 7 or 8 Days according to the Distance of the Wild Elephants from the Gala, and the Facility of driving them, and at each Day's Advance the Guards of the Line close in. If there be a remarkably refractory Elephant, they sometimes shoot him but this Necessity rarely occurs.

In the mean time the Kuruwe People remain constantly in the Jungle near the Elephants, armed only with Hendu and Ritili and partly leading the Wild Herd by means of the Decoy Elephants, partly *impalling them by Voices. Incitements and the Menace of Weapons thus drive them gradually to the Gala, and as soon as they have entered the Gateways are suddenly closed by Cross Bars.

The Men stationed in the Tree now lay their Nooses on the Ground *en entice the Elephants both tame and Wild *arround it by casting down fodder particularly Plantain Trees, of which they are fondest, and as soon the Foot of any chosen Elephant has been set within a Noose, it is pulled up and drawn tight to the Leg, the other End being secured to the tree. The Animal being thus confined, Cords are thrown upon his other 3 Legs with less Difficulty either from the Trees or from the Ground under the Protection of the tame Elephants. He is bound between 2 tame Elephants abreast, led out of the Gala, and securely fastened in the Stall.

Sometimes without the Construction of a Gala which is a Laborious Work, a Proper Place is chosen in the Jungle and a Tree or Pillar prepared with Platform and Nooses. The Elephants are driven to it by the Kuruwe People with the Aid of the Disavony People, and entrapped by the Nooses in the manner above described. But this Method is uncertain, because if the first attempt fail, the Wild Elephants usually run off to a Distance and seldom more than one can be secured.

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* *Sic.*

Sometimes for the King's Diversion, the Kuruwe People of the 4 K. drive into Kandy Wild Elephants mixed with the Decoy Elephants, and a Pillar being planted and Prepared in the Centre of the great Square, one or more of the best Elephants are taken in the manner before described.

Sometimes also for the Exhibition of an Elephant Fight a large high Mettled Elephant is driven into Kandy, and is met on the opposite Side of the Great Square by another from Matale or Kengalle. They are incited to *Contast by their respective Keepers, and if ncessary, their Anger and Jealousy are stimulated by the Introduction of a Female Elephant between them. They advance into the Centre of the square, and join Battle seizing each others Trunks, striking with their Trunks, and feet and *beatting with their Heads and Tusks. They are sometimes parted by their Keepers and the Combat is renewed on one or more successive Days till one of them being fairly beaten and overpowered runs away, and being pursued by the other along the Streets, returns to his Native Forests. The Conqueror is recalled by the Voice of the Female Elephants and his Keepers receive their Reward.

The Village Kalugala in the Beligal K. is the Ninda Village of the Kuruwe Lekam.

It contains 2 Hewanan who carry his Talapats in the Disavony, and Coolies of whom 1 or 2 constantly serve in his Kitchen.

It contains also a Muttettu Field of 5 Peyla there is another Muttettu of 2 P. in the Village Alawela, and another of 2 P. in Bihawala, all which are sown for Ande on his account. He is entitled to an annual Contribution of a few Ridi called Pandura Mila from the Kuruwe People. He receives 20 Ridi annually for the Appointment of Vidan, but not for the other offices, which are considered as hereditary.

When he proceeds upon Service into the Country he is entitled to receive Provisions once round from all the Kuruwe People, excepting the Inhabitants of the 3 Pannagam.

The Madige or Carriage Bullock Department

This Department is sometimes placed under the Disave of the 4 K.: but frequently assigned to a separate Chief nominated by the King, who in that Case is styled by Inferiors Madige Disave.

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* *Sic.*

A Vidan appointed by the Chief, performs the Duties under him.

Their Villages, their Headmen and the Bullocks, which they are liable to furnish are as follows:—

Talgomuwe, 1 Mohandiram and 1 Lekam, furnishes 12 Bullocks.
Walagama, 1 Kankan and 1 Lekam, furnishes 12 Bullocks.
Heyliyagoda Ragala and Talawatte } 1 Mohandiram and 1 Lekam, furnishes 12 Bullock.
Udanwita, 1 Mohandiram and 1 Lekam, furnishes 4 Bullocks.

In Gandolahe there is also Land subject to Madige Service, which was abandoned some Years ago, and has since been cultivated on account of the Chief.

The Madige People of the above Villages are of the fisher caste. Each Person possessing 1 Ammunam of Land is bound to furnish one Bullock those of the Headmen being exempted, and the Gammahes performing other Service.

Each Bullock furnishes annually to the Royal Store called Maha Gabadawa one Goni or Bag containing 40 Store Measures of Salt and one Karawala or Salt Fish, and besides, to the Chief 2 Karawala.

They render also to the King the Profits upon the sale of *Areka Nuts realized in the following Manner.

The *Sums of 300 Ridi is issued from the Treasury to the Chief for the Purchase of 50 As. of Areka, *i.e.* at the Rate of 6 Ridi per Ammunam of 30,000.

The Chief divides it amongst his People nearly in the Proportion of 6 Ridi to each Proprietor of 1 ammunam of Land, and the Value of a few ammunams to the Hulanbadde Madige People mentioned below.

They Purchase the Areka in small Quantities from the Inhabitants at such Prices as they are able, which are necessarily low, because the sale of this Article to other Traders, and the Exportation are strictly prohibited.

They convey it by Bullocks to Ruanwella, and selling it at the best Prices for the Colombo Market, account for the whole Profits to the Royal Treasury.

They also received, Money from their Chiefs, and delivered to him the profits upon an uncertain Quantity of Areka varying from 20 to 50 ammunams per annum.

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* *Sic.*

It is said that in 2 former Years, with the Assistance of many other Villages 1,000 and 500 ammunams respectively were collected, and the Profits paid to the Treasury, but with much Oppression and Difficulty, which with the intervention of other Services, occasioned a Reduction to the usual Quantity.

These Madige People are also obliged to perform other Carriage Service, when required, as the Conveyance of Grain from the Royal Villages, receiving, however, one laha for each Bullock Load, and they occasionally do the Like for their Chief.

The following People are Moormen, and are called Hulanbadde Madige, because they possess no Service Lands, but Fields of Small Extent, which they have brought into Cultivation from the Estates of others—

Dumbuluwawe—containing 1 Mohandiram and 8 or 10 People.

Hingule containing 1 Mohandiram and 6 or 8 People.

Hence they are called upon to perform very little Service, but having Bullocks are not entirely exempt.

They receive money as above stated, for a small Quantity of Areka, and account for the Profits to the Treasury and to their Chief.

They are also employed in the conveyance of grain, &c., if required, 2 or 3 times in the Year, the People of Dumbuluwawe usually for the King, and those of Hingule for the Chief, but they are liable to render none of the other Duties above Specified.

The Chief of the Madige receives also the following Emoluments and Ande Muttettu Field of 3 Ammunams at Walagama is cultivated on his Account. There were formerly 5 Ammunams of which 2 Ammunams have been assigned at different times to Temples, by the Chiefs.

There was also a Ninda Muttettu Field of 1 ammunam at Talgomuwe, delivered some Years ago by Lewuke Disave to another Person who has since paid an annual Fee to the Chief, and the 3 Nilakarayo who before cultivated it, have since served him as Coolies.

The Muhandirams and Lekams pay annually for their appointments 5 Ridi each to the Chief, and 1 or 2 Ridi to the Vidan.

Besides the 40 Bullocks above mentioned there are 12 Bullocks appropriated to the Chief from the same Madige Villages which supply him each with one Goni of Salt and 2 Karawala per Annum.

There are 14 Gammahes in the above Villages, who with the other regular Madige People contribute annually a Sum of near 50 Ridi to the Chief, which is called Panduru Mila, and principally supplies the Funds to pay to the Treasury his fixed annual Dekum.

The 3 Gammahes of Talgomuwe having a larger Extent of Lands, give in Rotation to the Chief, 1 Pingo of 15 Cocoanuts per Month.

The Gammahes furnish Provisions gratuitously to the Chief or to his Messengers, when they come on Duty to their respective Villages. They attend him in travelling, and are sometimes employed to convey his Messages, but perform no Madige Service with Bullocks.

Villages

The several Classes of Disavony People, and Duties to which they are liable, having been described, it remains to Notice the several Villages which are the Property of the Crown or of Temples or otherwise circumstanced which render Dues and Services distinct from the foregoing. Those which are properly exempt from the Disave's Authority were on Occasions of urgent Public Services sometimes placed under his Orders.

The following Villages belonged to the Palle Wahala or Establishment of the Queens but were occasionally granted to others of the Royal Family.

They contain Muttettu Lands of the Extent hereunder specified, which are cultivated on account of the Royal Family or other Grantee, and the Inhabitants, amongst whom are many low *Cast People of all Except the 3 last are bound to perform appropriate Personal Services for them.

Habalakkawe, contains Muttetu 4A. 0P.
Petigammana, contains Muttettu 2A. 2P.
Galigomuwa, contains Muttettu 1A. 2P.
Hakahinna, contains Muttettu 0A. 2P.
Kirawelle Ande, contains Muttettu 4A. 0P.
Kirawelle Ninda, contains Muttettu 0A. 2P.
Hapuwita Gampaha, contains Muttettu 3A. 3P. and 3 Royal Gardens.
Uduwewela, contains Muttettu 3A. 3P. and 2 RoyalGardens unproductive.
Diwela, contains Muttettu 3A. 0P. and 1 Royal Garden unproductive.
Attapitiya } No Muttettu and no Royal Gardens. The Inhabitants furnish
Panagomuwe } 12 (Neyle) Measures of Cocoanut Oil Monthly to the Palle Wahale Store, as the Duty for their Lands.
Araneyke.—No Muttettu and no Royal Gardens. The Inhabitants furnish annually to the same Store 4,400 Pieces of White *Joggery and 5Pingos of Joggery Syrup.

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* *Sic.*

The following 2 Villages are also Royal, under the Orders of Uda Gabada Nilame. They contain Muttettu Lands of the Extent hereunder stated which the Inhabitants cultivate entirely on account of the Crown. They beat the Paddy into Rice and carry it to Kandy and deliver a certain Quantity into the Royal Store, called Uda Gabadawa once in 15 days. They are under the orders of a Mohattale and inferior Headmen and pay Pingo Duties to the Maha Gabadawa and Contributions called Panduru Mila to their own Chief.

	A.	P.
Dedigama, contains Muttettu	9	2
Menikkadawera, contains Muttettu	5	2

The following Villages are called Disave Gabadagan, or Royal Villages under the Orders of the Disave. They contain Muttettu Fields of the Extent hereunder specified, which are subject to the Payment of Paddy Allowances to the Servants of the Royal Store Uda Gabadawa and the Remainder of the Produce if any, is the Perquisite of the Disave.

Pamunuwe, contains Muttettu 2A. 2P. Gives 11 Ammunams annually to Servants of the Store.

Padidora Mawana, contains Muttettu 6A. 0P. Gives 27 Ammunams annually to Servants of the Store.

Kawudaulle, contains Muttettu 2A. 1P. Gives 9 Ammunams annually to Servants of the Store.

Dorawaka, contains Muttettu 4A. 2P. Gives 40½ Ammunams annually to Servants of the Store.

Ballapana, contains Muttettu 6A. 2P. Gives 45 Ammunams annually to Servants of the Store.

The Inhabitants perform the Services above described under the Head of Hitawedakarayo.

Lands at Batuwatte of 7 As. in Extent, at Walagama of 3½ As. and at Hingule of 8 As. were partially brought into Cultivation in the last Years of the King's Government, but for Want of Cultivators, the 2 former have been abandoned, and the latter only partially sown.

Andiramade.—No Muttettu or Royal Gardens—furnishes 5 Measures of Cocoanut Oil Monthly to the Maha Gabadawa.

Rahala and Waragoda are attached to the Royal Kitchen in Kandy. The Inhabitants are obliged to bring Timbers, build and Keep it in Repair, and perform ordinary Services for their Chief.

Talgama and Bodawala contain each one Ande and a Muttettu of about 1 A. 1 P. from which 4½ As. of Paddy are annually given to a Servant of the Royal Store, 2 of their Inhabitants are constantly on Duty at the Disave's House, and furnish Charcoal to the Blacksmiths.

Mahena contains an Ande Muttettu of 2 As. of which 1 A. is seldom cultivated, and gives an allowance of 4½ As. per Annum.

Ambepusse.—A Ninde Muttettu of 1 A. 1 P. which gives 7½ As.

The Inhabitants of these 2 Villages furnish Monthly 10 to 12 Lumps of rough Iron from each, for the Disave's Use, and perform other occasional Services required of them.

Gangoda, Maliyadde, Talawela, Dimbulgomuwa, Metiyagane, Gewilipitiya, Batuwatte, Willangamulle, Endurapota, are called Sara Maru Villages, being sometimes granted by the King, otherwise temporarily disposed of by the Disave as Ninda Villages.

They contain each small Muttettu Fields which are cultivated, on account of the Grantee, and he is entitled to the Benefit of the Personal Services of the Inhabitants according to Custom.

The following Villages are more especially appropriated to the Personal Service and Accommodation of the Disave, but the 4 first yield also some Revenue to the Crown.

Debatgama contains a Muttettu of 5 A. 1 P. from which 27 As. of Paddy are annually paid to the Servants of the Royal Store—2 Men are constantly on Duty in Rotation at the Disave's House. They furnish Water and Firewood for his Kitchen and Bathing House, and carry his Kitchen furniture on Journeys.

Gabbala and Parapa have no Muttettu. They furnish Monthly 500 Lumps of White Joggery to the Uda Gabadawa and the like to the Disave, and sometimes Extra Supplies if he requires it on other Occasions. 2 Inhabitants one from each Village, are on constant Duty at the Disave's House, and serve in his Kitchen.

Gantune has no Muttettu. It furnishes annually to the Maha Gabadawa 390 Lumps of Joggery, to the Disave such occasional quantities, as he requires and its Inhabitants carry the Disave's Baggage on Journeys.

Etnawala contains no Muttettu. It is the peculiar Employment of its Inhabitants to carry the Disave's Palanquin. 2 or 3 are constantly on Duty at his House, and carry his Talepat and Torches &c. when he goes abroad. When the Disave travels, a greater Number are summoned from the Village to carry his Palanquin.

Dunugama and Godigomuwa formerly furnished an indefinite quantity of Salt petre to the Disave, to make Gun-Powder for firing Salutes and for War, and the Inhabitants carry the Disave's Baggage on

Journeys. The former Duty has been abandoned since the last few Years, and they have performed in lieu of it any ordinary Work required of them.

Araneyke contains a Muttettu of 3 P. which is cultivated by the Inhabitants on account of the Disave some of them furnish white Joggery and Syrup for his Use, others carry his Box of dressed Provisions on a Journey.

Ampe contains an Ande Muttettu of 2 P. cultivated on account of the Disave. Its Inhabitants erect the Kitchen near the Disave's Resthouse in the Disavony and perform other occasional Service.

The Disave can in general command the occasional Labour of the Inhabitants of these Villages, for Garden, Field, or common domestic Work.

The Villages hereunder specified are Temple Villages not including of course, many Temple Lands of Inconsiderable Extent, which are situated in different Villages throughout the Disavony. Many of them contain Muttettu Fields of which the Produce is applied to Offerings, and to the Maintenance of the Priests or Officiating Servants. The Service of the Inhabitants for the Lands, which they Possess, consist in the Cultivation of the Muttettu Field, the Performance of fixed Duties at the Temples, or Keeping them in Repair.

The following belong to different *Wihava and are called *Wihawa Gan — Dewanagala — Ruwandeniya — Hingule — Alutnuwere— Kappagoda — Silawa — Mediliya — Dippitiya — Diyagama— Ambulagala — Wakirigala — Wattarama.

The following belong to the Temple Dalada, Maligawa in Kandy— Kempitikande — Holombuwa — Nelundeniya.

The following belong to the Maha Dewale in Kandy — Alutnuwere — Ihalakotte — Arandere — Tambugala — Alagama — Andaoluwa — Ambalakande.

To Hanguramketa Maha Dewale — Nikapitiya — Udumagama— Naranbadde.

To Alutnuwere Maha Dewale — Udawidiya — Pallewidiya— Ayagama — Gallele — Attapitiya — Karahanpitigoda — Weliwatura— Rukulagama, Medagoda — Kikirigoda — Dewanagela — Batawala.

To Kataragame Dewale in Kandy — Galatara — Mottappuliya.

To Pattiri Dewale in Kandy — Warakapola.

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The Administration of Justice

The Supreme Judicial Power resides in the King, and is exercised in Original jurisdiction or in Appeal.

Cases originally entertained and decided by the King are: 1st. Those which arise between any principal Chiefs, or principal Officers or Servants of his Court or *Houshold or Cases in which a principal Person belonging to any of those Classes, is Defendant especially those regarding Dukgenawili Lands. But Suits concerning Lands held by any such Person for other than Dukgenawilla Service may be heard and decided by the Chief within whose Jurisdiction they are situated. And Disputes arising amongst inferior Persons belonging to the King's Court or Household, as the Ulpenge, Multenge and Kunan Maduwa People, are decided by their respective Chiefs or by the Adikar without Reference to the King. 2dly. Suits arising amongst Priests for principal Temples or Benefices. 3dly. High Crimes of which no inferior Authority can take cognizance Viz., Treason, Rebellion, Conspiracy, and other Crimes affecting the King's Person or Family.

Every Species of Homicide.

Maiming or depriving of an organ or Member.

Robbery of Royal Treasure or Property.

Important Forgeries or False Coining and Uttering False Coin.

Sacrilege, as Destroying a Sacred Image, Cutting down a Sacred Tree, Striking a Priest.

Elephant slaughter, in the Upper Districts or in the Provinces contiguous to Kandy.

Other offences of an aggravated Nature, which tho' competent to the Authority of the Chiefs, may be considered of sufficient Importance to report to the King.

Appeal to the King lies open to every Individual from the Decision of any chief in Civil Cases without Limitation of Lapse of Time or Value. The Appeal is introduced to the King's Notice either by the Representation of a Chief or Courtier. Or by the Individual who thinks himself aggrieved prostrating in the Road, when the King goes abroad or prostrating at any other time towards the Palace. An Occurrence, which any Person who observes, is obliged to communicate immediately

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* *Sic.*

to the King through some officers of the Palace. Or ascending a Tree, near the Palace, and proclaiming aloud his Grievance. Or taking Refuge as was sometimes done in any Instance of supposed Injustice, in the Maha Gabadawa, or the Temple Dalada Maligawa or other Royal or Religious Sanctuary.

When a Case is thus brought under his Cognizance, it is either heard in the King's *Presense, or referred for Hearing and Report to the Great Court of Kandy, called Maha Naduwa, composed of the principal Kandyan Chiefs.

If the former the King is seated at the Window of an apartment in the Palace the Kandyan Chiefs Kneeling in the Hall or *Veranda below question according to the King's Directions the Parties and Witnesses, and the King after taking their opinion passes his Decision.

If the latter the Case is heard in the Great Court of the Chiefs who report the circumstances with their opinion to the King, are sometimes referred for further Enquiry, and Report, till he is satisfied, and then receive his Decision or sometimes are ordered to Decide by oath.

The Great Court or Maha Naduwa

The Great Court called Maha Naduwa, formerly and properly consisted of the Adikars, Disaves, Lekams and Mohandirams (on low benche) but of late Years all the Chiefs have been called to assist at it, and especially any distinguished for their Ability and *Judgement.

The Court was held at different Periods as occasion suited sometimes in different Buildings without the Palace or sometimes in the *Veranda of the Hall of *Audiance.

There was formerly, it is said, a Court House near Pattini Dewale, which was Partly rebuilt in the time of the last Deceased King, but never completed.

The Chiefs take their seats according to Rank from Right to Left and the Adikars or any other Chief of Ability and Experience principally conduct the Enquiry.

The Proceedings take place in the Natural and most obvious Course, of [procedure], first hearing the Statement of the Plaintiff or Prosecutor,

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* *Sic*

next the answer of the Defendant or Prisoner, next the Evidences of the Plaintiff or Prosecutor and lastly that of the Defendant or Prisoner.

All the Witnesses on both sides, as far as practicable, are collected and examined on the same Day. If a Witness be disabled by Sickness, without a Prospect of early Attendance, Messengers are sent and bring his Evidence in Writing confirmed if possible, by oath at a Neighbouring Dewale.

The Witnesses are never sworn in Court, and on clear or trifling Cases no Oath is administered. In others, they are sent to the Neighbouring Dewale and sworn to the Truth of their Deposition in presence of 2 or 3 *Headman as Commissioners, who return and report it to the Court.

The Examination is entirely *Viwa Voce, and no Part of the Proceedings are taken in Writing except a List of Moveable Property, which may be claimed as due or Stolen, and excepting that either Party sometimes present a Statement of his Case written on an Ola, called Witti Watteruwa.

In Land Cases, which are by far the most numerous, it is the General Practice to commence with the Original Proprietor, 3 or 4 Generations in Ascent, and thence to trace downwards by *Inharitance or Transfer the Title of the Suitors.

The Cases which come under the cognizance of the Great Court are either Civil or Criminal and of 2 Kinds:—

1st. Those which are referred for Hearing by the King and are invariably reported and decided by his Authority in the manner above mentioned.

2dly. Those which are originally instituted before it or as usual introduced by the Chief, under whose Jurisdiction the Party complaining is.

These after regular Investigation in the Manner above stated are decided by the Majority of the [Court], or if doubtful are ordered to be decided by Oath.

Differences of Opinion amongst the Chiefs were seldom persisted in after full Discussion. But if either Party be obstinate against the

* *Sic.*

Determination of the Court the Case is sometimes submitted to the King, especially if it concern Property of Value or Persons of Consequence.

In all Suits for Land decided by the King after *Referrence to the Great Court, or by the Court itself without such Reference, Decrees written on Ola called Sittu are signed and given by the Senior Adikar present, or sometimes by the 2nd Adikar, for Lands situated within his general local Jurisdiction. The Sittu contain the Names of the Parties, the Land in Dispute, the Decision and the Date. If the Decision be past by the King it records his Authority. If not the Authority of the Court.

The Sittu is given only to the gaining Party, and no Copy or Record of the Decision is preserved by the Court.

The Great Court in taking Cognizance of Civil and Criminal Cases, except those referred by the King, as well as in the Infliction of Punishments, cannot exceed the Powers which are individually vested in the Adikars, and which are mentioned below.

Jurisdiction of the Adikars

The Adikars are severally invested with the following Judicial Powers:—

They have exclusive Jurisdiction subject only to the [King] in Civil and Criminal Cases over all Persons subject to their peculiar Authority as above described.

They have a *concurent Jurisdiction with the proper Chief over all Persons in the Provinces above described, as subject respectively to their General Authority. Provided that they entertain no such Case except in Communication with the proper Chief, and that they cannot decide without his Concurrence.

If either Party protest against the Decision, the *Adicars submit the Case to the Great Court or to the King, and are especially obliged to do so if he be of considerable Rank or attached to the Kings Court, or to his immediate *Houshold.

They can hear and decide Civil Cases between Individuals without Limitation of Value but cannot take cognizance of those which affect

* *Sic.*

the Royal Lands or Dukgeniwili Lands unless on the complaint of a common Person the Dukgannarala be satisfied and the Decision be in his favour.

Nor can they take Cognizance (unless both Parties Voluntarily come to them as Arbitrators) of cases which arise between principal Chiefs or principal Officers of the King's *Houshold or in which any such Person is Deft. but only in Concurrence with the Proper Chief of those which concern the inferior People belonging to the same.

In all cases arising in the Upper Districts the Adikars alone can give Sittu or written Decrees for Lann and Diwi Sittu or written Oaths for swearing by Oil.

With the same Limitation in respect of Persons, and in Concurrence with the proper Chiefs, they can hear and decide all Criminal Cases &c.

They can hear and decide all Criminal Cases of *Banglay [Burglary], Robbery, Theft, Assault and other Minor Offences, but usually report to the King any remarkably atrocious cases which occur.

They cannot take Cognizance of the High Crimes above enumerated as competent only to the King's Jurisdiction but submit all such Cases to the King.

They have the exclusive *Privelege of awarding Punishment with the Cane which is borne by their officers the Katubulle People.

They have Power to inflict Corporal Punishment, Imprisonment and Fine without fixed Limit in Degree but the Mode of Punishment will vary according to the Rank of the offender and their Power must be Exercised subject to the following Restrictions.

They cannot inflict Corporal Punishment on the following Persons—

Principal Chiefs, Dukgannarales, or Persons belonging to the Noble Families.

The Sattambies of the Ulpenge, or Kunam Maduwa, The Kunam Maduwa People, Talapat Wadanno, Pandakkarayo, The Royal Washermen, The Lekams, Kankans and Gabanarales of the Gabada, Aramudala and Awudage.

The Mulachariyo and Headmen of the Pattala or Artificer's Department attached to the King. The Maduwa Mohandirams.

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* *Sic.*

The Betge Wederales, The Maha Lekam People.

The Kariyakaranarales and Wattiru Rales of the Maligawa, and the Kapurales of the Dewale.

Of the foregoing, they can imprison and fine the Kunam Maduwa People, the Royal Washermen, the Maha Lekam People and the Officers of the Temples, but no others without the King's Authority.

They exercise *there Powers (except over Persons under their peculiar Jurisdiction) in Communication with the proper Chiefs and never without their Concurrence.

Prisoners confined by the Adikars' Orders, cannot be released by the proper Chief without Leave of the Adikar, but Fines which may be levied are the Perquisite of the proper Chief, and not of the Adikar.

The Proper Chiefs, with regard to the Infliction of Punishments are Subject to the same Restrictions as the Adikars.

In every Case Appeal lies to the King from the Decision of the Adikars.

Jurisdiction of the Disaves

The Disaves have Jurisdiction over all Persons and Lands within their respective Disavonies, except those attached to the King's Court or *Houshold or to the Department of another Chief appointed by the King, and they rarely exercise it over these also only upon the Application of the proper Chief, and sometimes by their own Right, when upon extraordinary Emergencies any such Villages or Departments are specially placed under their Authority.

Subject to these exceptions they can hear and decide all Civil Cases without Limitation of Value.

On the Complaint of a Disavony Person they can entertain his claim for Dukgenawili Land, if the Possessor be satisfied and they can grant a Decree in his favour, but if the Disave's Opinion be against the Deft. the Matter must be referred to the King.

They can also hear and decide Cases regarding Land subject to Disavony service between any Persons whatsoever.

They have Power to grant Sittu or written Decrees for Land with their Signature, and Diwi Sittu or written Oaths [for swearing] by Oil within their respective Disavonies only.

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* *Sic.*

Subject to the same Limitations they can hear and decide all Criminal Cases except the High Crimes above stated to belong exclusively to the King's Jurisdiction, but they usually report to the King other remarkably atrocious Offences tho' competent to their own Decision.

They can award Corporal Punishment (except with the Cane) Imprisonment and Fine without any fixed Limit in Degree upon Persons subject to their Jurisdiction but are bound to pay Regard to the Rank and Condition of the Parties according to the following Rules established by Usage.

Corporal Punishment is not inflicted on Persons of Noble Families, nor on the Atapattu Disavony or Kodituwakku Lekams, Korales of high Family, the Wanniyas, the Walawuwa Mohattales and Atapattu Aratchies of the 4 K., nor in general upon Persons who have held those Offices.

Korales of low Family, Aratchies, Vidans, and common Vellales may be punished with the open Hand.

Vellales of low Condition for flagrant Offences, and Persons of low *Cast are punished with Rods called Ipal [twigs].

The Persons above mentioned as exempt from Corporal Punishment are not imprisoned in the Maha Hirage. The Disave usually fixes a Fine for Offences, and detains them in the Atapattu Maduwa, till it is paid.

If the offence be considered to merit greater Punishment by Representation to the King, they are imprisoned in a Katubulle Village or in the Country.

Other Persons are imprisoned according to the Disave's Pleasure in the Atapattu or Kodituwakku Maduwe, the more atrocious Offenders in the latter, and sometimes in the Maha Hirage in Kandy or in a Kadawata of his Disavony for such Term as he deems adequate to the Offence or till the Payment of such Fine as may be demanded.

The Disave most frequently and properly hears the Cases himself, seated in the Court of his House, and surrounded by the Headmen of his Disavony standing in his Presence. He sometimes commits the Enquiry to 2 or 3 principal Mohattales or Korales who conduct it in Public *without Side the Disaves Dwelling sitting in the Atapattu

* *Sic.*

Maduwe and make Report to him as the Court of Kandyan Chiefs to the King but this Delegation is stated to be an Impropriety introduced of late Years.

In doubtful Cases, he frequently takes the Opinion of the Principal Headmen of his Disavony.

The Decision is communicated to the Parties sometimes by the Headmen and sometimes by the Disave and finally the Sittu or Decree for Lands is granted to the gaining Party on Payment of the Fee demanded, which according to its Value usually varies between 5 and 50 Ridi.

The Proceedings are conducted in the Manner already described to take place before the Great Court in Kandy.

Jurisdiction of Lekams, Rate Mahatmeyo and Other Chiefs

The Lekams, Rate Mahatmeyo, and Principals of Temples and the Chiefs of Departments attached to the *king's Court and *Houshold have a Civil and Criminal Jurisdiction over all Persons subject to their orders, and over no others.

They can hear and decide all Civil Cases arising amongst them, or in which any such person is Deft. without Limitation of Value.

They can dispossess of Land, and give a written Wattoor addressed to the Headman reciting the decision and ordering Possession to be delivered to another, but can on no account grant Sittu or Watteru of Decision with their signature nor diwi Sittu in the Upper Districts, nor administer any Oath in Kandy, but the principals of the Temples in Kandy can give Sittu of Decision and *divi Sittu in Cases arising in Villages belonging to their respective Temples which are Situated in the *Disavonys.

They can hear and decide all Criminal Cases with the exception of the high Crimes above enumerated, but they usually represent to the Adikars, other offences of some Atrocity and those of less Importance *then the disaves would decide, because *occuring in the Vicinity of Kandy, the Transaction cannot escape Publicity, and because being of *Inferrior Rank and Weight and standing under the Eye, and *Controul of Superior Authority these Chiefs are diffident of their Ability and fearful of *incuring Displeasure or giving offence by an *erroniouse Judgment.

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* *Sic.*

They can award Corporal Punishment (Except with the Cane) Imprisonment and Fine without fixed Limit against Persons subject to their Jurisdiction, paying regard to their respective Ranks and Conditions.

Corporal Punishment is not inflicted by them on the principal Headmen Korales and Aratchies except on occasions of urgent Public service or for great offences with open Hand, nor on the Principal Officers of the Temples.

Ordinary Vellales are punished by them with open hand, and Persons of low *Cast with Rods, excepting properly the Maha Lekam People.

But when the Lekam People and all other Inhabitants of a District are temporarily placed under the Rate Mahatmeya for the performance of some Urgent Public Service within it, they have of late years punished even Maha Lekam People with the open hand, and other common Vellales with Rods.

They can imprison any of the Headmen abovementioned or any other Persons in the Maha Hirage or in their own Houses and impose any Moderate Fine upon payment of which they are usually released.

It is said, that former Kings prohibited any fine exceeding 7½ Ridi to be levied in the Upper Districts. This Order has long since fallen into Disuse.

The Fine imposed by any of these Chiefs usually does not exceed 10 or 20 Ridi and they are *contious of awarding excessive Punishments of any kind for the Reason abovestated.

In any case of Doubt and Difficulty, or when either Party dissatisfied threatens to appeal, the Chief usually brings it under the Cognizance of the Adikar, or the Great Court.

Jurisdiction of the Mohottales, Korales, Wanniyas, and Other Headmen of the Disavonies

The Atapattu, Disavony and Kodituwakku Mohattales or Lekams, the Korales and Aratchies of the Disavonies have a limited Jurisdiction in Civil and Criminal Matters over all Persons subject, to their Authority respectively, but they exercise it chiefly, when the Disave is absent in Kandy.

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* *Sic.*

Their Power extends in Civil Matters to Disputes regarding the Limits of Gardens or Fields, a few Cornies *Extant of Chena Ground, the possession of a few Fruit Trees. Debts of a few Ridi or a small quantity of grain &c.

They can give written Watteru of Decision without Signature and deliver Possession of Lands and sequester Lands and Crops.

In Criminal Matters, their Power extends to Robberies of Cattle, Paddy, Fruits, Betel, &c. Assaults and quarrels, Toddy and Arrack Drinking, Neglect of Duty, and Failure in Paying Revenue.

All offences of great Moment they ought properly to refer to the Disave, but they sometimes settle Cases of *housebraking or other serious Robberies, if the prosecutor *complain to them, and be satisfied by recovering his lost Property and the Usual Damages.

They can cause slight Corporal Punishment to be inflicted on common Persons subject to their Orders standing, with the Open Hand, on Persons of low *Cast with Rods.

Robbers of every Description whose Guilt is undoubted they can imprison in their Houses, or in a Kadawata, in the stocks or otherwise, till they restore the stolen Property with Damages.

Other offenders they confine for a few days, or make them Prisoners at large by taking the Handkerchief from their Heads.

It is held that the 3 principal Mohottales cannot properly impose a Fine exceeding 10 Ridi the Korales and Aratchies, not exceeding 5 Ridi.

They are accustomed to recover Fines by placing the Culprit in Welakme, that is a Prisoner under *Inhibition not to move from the Spot till he has satisfied the Demand. Upon this some Relation or Friend undertakes for him to discharge it, or a Pledge is delivered.

But the Mohottales of the 7 K. Uwa and Saffragam, by Reason of the Distance of many Parts from the Capital, and consequent Difficulty of *Controul have assumed far greater Powers, which tho' exercised without Disguise, must be considered as illegal.

They have been in the Habit of deciding Land Cases of greater Value granting Sittu of Decision. The Atapattu and Disavony Mohattales of the 7 K. have even granted Sittu with their signature. The Atapattu

* *Sic.*

and Kodituwakku Mohottale of Saffragam without Signature and in both Provinces they have issued Diwi Sittu or written Oaths for swearing by Oil.

When sent on service into the Country by the Disave to collect People or Revenues, they have taken the opportunity of exercising almost arbitrary Powers, those of the 7 Korles, in particular *leveying Fines to the amount of 50 or 100 Ridi. But on their Return partly as a due because they pretend to act in his Name and partly in order to cover their rapacious Acts, they deliver a Portion of their Fines to the Disave.

The Wanniyas of Nuwerikalawiya from *antient time are considered to have the Power of granting Sittu of Decision and Diwi Sittu and of awarding Penalties not *iferrior to those inflicted by the principal Mohottales of the 7 Korales. In short they are held to possess within their respective Pattu, Power nearly equal to that of a Disave, but are restrained in the Exercise of it when the Disave is in the Province.

These Headmen act universally as Police officers throughout the Country, and it is their Duty to arrest and send before the proper Authority offenders of every Description.

Jurisdiction of Liyenerales, Undiyerales, Korales, and Aratchies of the Upper Districts

The Headmen of these Districts, which are adjacent to Kandy, and admit of easy *Referrence to Superior Chiefs, have very limited Powers.

They settle trifling Civil Cases rather as Arbitrators than Judges when the Parties submit them to their cognizance.

They cannot dispossess of Land, but on Complaint, can sequester Lands and Crops, and for Default of Revenue, or Failure of Attendance when summoned, they ran sequester Lands, Crops or Dwellings.

In like Manner, when submitted to them they can hear Complaints of petty Robberies and Quarrels, Toddy and Arrack Drinking &c.

They can punish Persons of low Degree by 10 or 15 Blows with the open Hand inflicted standing.

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* *Sic.*

Robbers, whose Guilt is clear and confessed, they imprison till satisfaction is made but if the accused deny or protest, they are bound to send both Parties before the superior Chief.

It is held that in other Cases they cannot imprison above 1 or 2 Days, either by taking of the Handkerchief or by close Confinement without sending the Party or at least reporting him to their Chief.

And that they cannot legally by their own Authority levy a Fine exceeding 3 Ridi, but in a Case which clearly merits it, they can levy a Fine of 5 or 7½ Ridi, in the name of their Chief, reporting the Case and delivering the Fine to him, and 1 Ridi more for their own Perquisite.

They recover Fines by placing in Welakma in the mnnner before described and act as Police Officers in their respective Districts and Departments.

Jurisdiction of Vidans

The Vidans, who are appointed over particular Villages have limited Powers of the same Nature in Civil and Criminal Matters of Trifling Importance.

They occasionally punish People of low *Cast by a few Blows with the open Hand inflicted standing.

In general they cannot properly imprison without reporting to their Chief, nor levy a Fine exceeding 2½ Ridi, of which the Half Ridi belongs to the Duraya. If they levy a larger Sum they must report and account for it to their Chief.

But the Vidans of the Royal Villages, especially of those situated in the Disavonies imprison 4 or 5 Days at the Royal Granary and levy many Fines of small amount, especially for Neglect in the Cultivation of Royal Land and Trespasses of Cattle &c.

They recover Fines by placing in Welakma, and act as Police officers within their local Jurisdiction.

Gansabe or Village Court

This Court is frequently held both in the Disavonies and the Upper Districts, and consists of an assembly of the Principal and experienced Men of a Village, who meet at an Ambalam or a Shady Tree or other

* *Sic.*

Central Place upon the Occurrence of any Civil or Criminal Matter as Disputes regarding Limits, Debts, Petty Thefts, Quarrels, &c. and after Enquiring into the Case, if possible settle it amicably, declaring the Party which is in Fault adjudge *Restotution or Compensation and dismissing with Reproof and Admonition, their Endeavours being directed to Compromise and not to Punishment.

It frequently happens, that a Headman iu office is one of the Assembly in which Case a Fine is sometimes levied for *offnces and in some Disavonies, is shared with the other Assessors.

The following general Rules and Customs observed in Judicial Matters may here be mentioned:—

No Chief can interfere with Decrees passed or Grants made by the King's Authority or with Decrees passed by the Great Court except for the purpose of confirming them.

If the Deft. in a Suit repeatedly fail to appear, and evade a Hearing, Provisional Decrees are sometimes granted in favour of the Pltf.

This Process usually compels Appearance and the Suit is thereupon duly investigated.

Any Chief in Office can rehear Cases decided by his Predecessors and reverse their written Decrees. In the 7 K., 2 or 3 adverse Decrees will sometimes be found in the Possession of both Litigant Parties for the same Land but such Abuses are not frequent in other Provinces.

In Criminal as well as Civil Cases, it is not customary to admit the Evidence of the Complainant, his near Relations, his Slaves or Servants.

It is a general Rule, that Fees or Presents given to a Chief for the purpose of gaining a Suit, or promoting any other Object, must be returned on Demand if the Suit be lost, or if the Object be not accomplished.

If after full Enquiry and Examination of all the Evidence on both Sides, a Case should still be doubtful, it is Customary to decide it by Oath, of which the several Species will be shortly explained.

General Observations

This System of Judicial Administration evidently marks a barbarous state of Society but if it were purely administered, is apparently as well calculated to afford the Means of Justice as any which could

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exist under a despotic Government, in which the Executive *a Judicial Powers are united, every individual having the liberty of seeking Redress, first by Application to the Principal People of his Village, next to the Headmen or Chiefs of the Province, next to his Superior Chief, to the Adikar, to the Great Court, and lastly to the King. Appeal lying from all the Subordinate to any of the intermediate or to the Supreme Authority, in Case either Party be dissatisfied with their decisions.

But several Circumstances remain to be mentioned which tended to prevent the impartial Administration and Corruption had unfortunately pervaded almost all its Branches.

1st. Justice in few Cases *are administered gratuitously.

It is said that in former times, and according to the lawful Custom of the Kingdom no other Fee are* payable than a Sum of 5 or 10 Ridi by the Gainer of the Suit upon receiving the Sittu or written Decree in his favour, and that Verbal Orders have in* different Occasions been given by the Kings, forbidding the Chiefs to receive Bribes (tho' it is denied by some to the Extent stated) and do Injustice.

But as the Presents are conveyed in private, such occasional Orders were unavailing to prevent it, and it is certain that the Practice prevailed to such an extent, as to corrupt the System.

Every Person appearing before his Chief whether on Account of a Complaint or for other Cause is expected to bring with him 40 Betel Leaves, and unless he be exceedingly poor, a Pingo of dressed Rice or Cakes, Jaggery, Fruits or Vegetables the Value of which is trifling and being established universally by Custom, it is a Token of Respect and not a Bribe.

But in order that his Case may be brought to a *speady Hearing the Complainant is frequently under the necessity of presenting (or at least finds his advantage in doing so) a Fee called Bulatsurulla of a few Ridi value to the Headman, to the Walauwa Mohottale or Vidan and in the Course of the Suit frequently conveys to the Chief who is his Judge other Presents according to his ability or to the Value of his Claim, and his Adversary often adopts the same Course to secure his Interests.

The advantage of the rich over the Poor Suitor and other Consequences of this Practice, are too obvious to pursue *farther.

2d. All fines levied by the Chiefs belong not to the Crown but are the entire perquisite of him who levies them.

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3d. The Kandyan Chiefs had no *stepends, &c. The short Period for which all except the Adikars are usually allowed to remain in the same Office tho' guilty of no Offence, was a strong additional inducement to take Advantage of the Moment and enrich themselves by every Means which lay within their Reach.

4th. The Chiefs being sometimes required by the King to make extraordinary Contributions and to pay Fines, necessarily exacted the Means of satisfying them from the People.

5th. The Chief Officers being principally chosen from the Noble Families it frequently happened that they were persons of Inactivity and Inability and being inexperienced in the affairs of the Province or Department committed to their Charge were frequently guided in Judicial as well as other Concerns by the Provincial Headmen or by those of their *Houshold, who are equally if not more intent *in the Profits capable of being extracted from their temporary Intentions. Hence such Chiefs often give their Decision after an imperfect Investigation, or upon a mercenary Report of the Case.

6th. Nor did the Liberty of appeal afford an effectual Remedy against Wrongs.

1st. Because many persons are fearful of hazarding the Displeasure of a Powerful Chief who might find many future opportunities of injuring him.*

2d. Because the King was not frequently in the habit of personally investigating Suits between common Individuals, and if referred to the Great Court for Enquiry, the Influence of the Chief who had passed the first Decision or if his Relation or Friend, a new Bulatsurulla might still give a Preponderance contrary to Equity.

7th. As Fees had their Influence in Civil Matters, they were also frequently given in Criminal. The culprit or his Relations often prevailed by Means of Presents to the Chiefs, in obtaining a Remission or Mitigation of Punishment, for great offences, whether brought under the King's *Cognizence or otherwise, and there are Instances, in which Chiefs, notwithstanding the Established order have concealed Homicides and discharged the Accused after a short Imprisonment without Trial.

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* *Sic.*

But although under the System which prevailed, the Way was open to the Pervarance* of Justice, it would be hard to deny that Substantial Justice was not frequently obtained as in the following Instances.

1st. When Cases were heard in the Presence of the King who except in terms of *Menority or Inexperience when they were under the Influence of Powerful Chiefs were seldom known to Judge unjustly between Individuals.

2dly. When Cases were investigated in the Great Court, when the Publicity of the Enquiry and the Number of the Chiefs who were Judges were in general Securities against a palpable Injustice, tho' Fees were sometimes presented to the Chiefs or principal Weight in that Court, and sometimes probably influenced its Decisions, especially when its Assessors were few.

3dly. When Trifling Cases are heard and settled by the Village Court in which the Principal Inhabitants of the Village in fact constituted a Jury.

4thly. When Litigations arose amongst the most Indigent Part of the Community who having nothing to allure the Avarice of their Judge, will usually obtain Justice from a single Chief tho' it be more difficult to obtain a Hearing—and there have been some few Kandyan Chiefs reputed no less for their Ability in the Investigation of suits, *then their *Intigrity in the Decision of them.

Lastly. The Abuses above mentioned are much more frequent in the Disavonies which are distant from the Capital. *Then in the Districts surrounding it. Because the Inhabitants of the latter are more immediately under the Royal Eye and superintendence.

Because being constantly called to Kandy for Public Services and Public Festivals, they had frequent Communications and acquaintance with the Principal Chiefs and with each other, and hence acquired a knowledge of their Established Customs, and a sense of Injuries. They had more frequent and ready Opportunities of laying their Grievances before the King or the Adikars or some other than their own Chief, and the Chiefs themselves were more fearful of doing Injustice either by Partial *Judgement, or by severe Punishment or by exorbitant and unusual Fines.

But it will be observed upon a review of the whole System that there existed under the Kandyan Government scarcely any other Safeguards against a Corrupt Administration of Justice *then were to be

* *Sic.*

found in the Personal Character of the Prince who exercised an Imperfect Controul and the Personal Integrity of the Chiefs who had every Temptation to pervert it.

Institutions and Customs

The Kandyans have no written Laws, and no Record whatsoever of Judicial Proceedings was preserved in Civil or Criminal cases.

In Cases of Land only, written Decrees called Sittu and if decided by Oath, the 2 Diwi Sittus were delivered to the Party to whom the Land was adjudged, and continued as Title Deeds in his Family.

There was therefore nothing to restrain the arbitrary Will of the King and nothing to guide the Opinions of the Sovereign Judge, and the Chiefs, but Tradition and living Testimonies, and for want of written Authorities, the following short Outline of those principal Institutions and Customs which seem to be most generally acknowledged, and sanctioned by Precedents and the existing Practice, I fear will be imperfect and liable to many Errors.

But with respect to High Crimes of which the Instances within memory are compararively not very numerous, as the Punishments varied according to the Temper of the reigning Prince and as it is difficult to distinguish the Decision of Law from the mitigated Sentence which both depended on the same Supreme Authority, it may almost be asserted, that no fixed Rule of Law existed.

Crimes and Punishments

1st. Treason, Conspiracy, and Rebellion.

These Crimes have always been considered properly punishable with Death and there are several Instances prior to the Reign of the Deposed King in which they have been visited with Capital Punishment. With respect to persons of inferior Note implicated in the same Treasonable Acts, the Punishment has in many Instances been mitigated or wholly remitted.

Conviction is almost universally followed by Confiscation of Property, and sometimes involved that of the Relations of the Deceased.

Of adultery with the King's Wives, which is considered a Species of Treason two Instances only are cited in both of which Capital Punishments were inflicted upon both Criminals.

Of illicit Intercourse with the King's Concubines, there are several Instances in which the Delinquents have been sentenced to Suffer severe Corporal Punishment and sometimes the additional Penalty of cutting off the Hair, or Imprisonment, but the offence has never been punished with Death.

Homicide

The Distinctions which exist in the Law of Civilised Nations between the several species of Homicide, of Course finds no Place *hear, but if any *Principals can be said to have existed, the following seem to have been most generally observed.

Wilful and deliberate Homicide is punished with Death, and is considered to be Homicide committed deliberately and intentionally without sudden Pervation and not in Defence of Self or Property against a Violent and unlawful Act.

If 2 or more Persons quarrel, and one be killed in the affray it is held to be culpable. Homicide, and punished by Whipping through the streets of Kandy and Imprisonment in a Distant Village.

In such Cases it does not appear that Minute Enquiry was made in order to ascertain the Aggressor or the Degree of Prosecution given. In the Majority of Instances which are numerous, the offender was punished in the Manner above stated but in no Instance which I can learn with Death.

But if after the Termination of a quarrel and separation of the Parties [a quarrel] arose between [them] after the lapse of some time and [the one] attack and Kill the other, it is *concidered Wilful and deliberate Homicide and liable to Capital Punishment.

If 2 or more Persons join in the Commission of a Robbery and one of them commits Homicide, the Slayer is held guilty of Wilful and deliberate Homicide the rest only guilty of the Robbery.

If a Man Kill another, who is come to rob his House by Night the Homicide is generally held to be not altogether free from Blame and liable to slight Punishment.

But 2 Instances of such Homicides which occurred in Kandy and were brought under the King's Cognizance passed without any Animadversion whatever.

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* *Sic.*

If a Man Kill on the Spot another found in the same Room with his Wife under such Circumstances, that Adultery is presumable the Homicide is held to be Justifiable and the Perpetrator entirely innocent.

If a Man kill another by Misadventure the Homicide is held to be in a slight Degree Culpable Such Accidents occur not *unfrequently amongst the Natives in Hunting and Shooting, and the offender is usually sentenced to a slight Corporal Punishment as Imprisonment or fine as a Warning to others against Negligence.

Maiming or Depriving of an Organ or Member

Of this Crime committed by an Individual I can learn no Instance, but it is held to be one of such Magnitude as can be *compatent only to the King's Jurisdiction.

Robbery

The Instances in which Robberies have been punished with Death are few, and all of which I have obtained Information took place in the Reign of the Deposed King.

In other Cases, they have been Visited with Corporal Punishment, Imprisonment, and Fine in Severity proportioned to their Supposed Atrocity.

The most atrocious are held to be those committed upon the Treasures or other Property of the King, of Temples, or of Priests, Housebreaking, Highway Robberies, and those attended with *parsonal Violence.

The most atrocious Robberies and necessarily the first mentioned being reported to the King, are usually punished by Whipping through the Roads of Kandy, and Imprisonment in a distant Village in the Country.

Other Robberies which are not deemed of sufficient Importance to Report to him are heard and decided by the Great Court by the Adikars or the several Chiefs, and Minor Robberies by the Provincial Headmen— And the offenders are Sentenced at their discretion according to their respective Powers to Corporal Punishment, Imprisonment or Fine, all or either.

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* *Sic.*

But they sometimes escape with no other Punishment *then Imprisonment till they make Satisfaction for the stolen Property and pay the fixed Damages.

It is an invariable Rule, that the Robber must restore the Stolen Property or its Value to the owner and except in petty Thefts of Fruits, Vegetables, Betel, &c , must pay fixed damages of 30 Ridi called Wandiya and 10 Ridi being double the sum which the owner is Supposed to have paid to an Informer for discovery and which he recovers altho' there was no Informer.

Sometimes the Chief recovers the Property for the owner by imprisoning the Robber in the Stocks. Sometimes he delivers the Robber to the owner especially if he be a Man of some Rank who has a Right to bind, confine in the Stocks and beat him in Moderation, till his Property or its Value *have been restored with Damages or Security given.

A Fee or Present is frequently promised beforehand and given by the owner to the Person in Authority who has been instrumental in recovering it.

If there be Evidence which leaves no Doubt of a Prisoner's Guilt and especially if he be a Man of bad Character the Chief and sometimes the Person robbed inflict Corporal Punishment to extort Confession of Accomplices and Discovery of Property Stolen but they would be liable to severe Punishment for ill treating a respectable and innocent Person.

If Property found be disputed between the Prisoner and the Owner and there be no Proof, it is sometimes decided by Oath at the Temple.

In Cases of Cattle Stealing the Owner invariably recovers from the Robber one Head of Cattle in addition to his own, or 2 for 1 as well as the supposed Value of the services of the stolen Animal for the Period during which he was deprived of it, besides the Damages of 40 Ridi above mentioned.

Arson

Of Arson I can hear no Case which was proved, but one Instance of *Malaciously burning Sheaves of Paddy, according to the general Principle, the Criminal would be sentenced to suffer severe Corporal Punishment and Imprisonment, and to make Satisfaction for the Property destroyed.

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* *Sic.*

Sacrilege

The Instances of Sacrilege within Recollection are few. But the Offences being reported to the King were in general punished by Whipping through the Streets of Kandy and Imprisonment.

One Instance of striking a Priest was punished by *Amportation of the Finger.

Forgeries— False Coining and Uttering False Coin

There are 3 Cases within Memory, of Convictions for forging King's Sannasses and a Disave's Sittu for Land, and one for coining and Uttering False Pagodas.

The Offenders were suffered Severe Corporal Punishment with the addition of Imprisonment in 2.

In another Case of uttering false Coin the Culprit was an Inhabitant of Colombo, and was delivered to the Dutch Ambassador.

Adultery

This Crime is strictly prohibited by the Precepts of their Religion but below Royalty rarely meets with Punishment from the Chiefs.

1st because the Husband is ashamed to publish his Disgrace to the world by Complaint and 2dly Because he has the Power of taking Vengeance himself by beating, wounding or even Killing the Man, whom he finds in the same Room with his Wife under such Circumstances, that Adultery is presumable.

Hence the Seizure and Punishment on the Spot of the Adulterer is generally left to the injured Husband.

But when Complaint is brought forward by him that another maintains illicit Intercourse or frequents his House with that Design, no Proof of the Fact is called for, but the Accused is dismissed with Reproof and Threats, and perhaps if Evidence be adduced with a slight Corporal Punishment, Imprisonment, and Fine.

Rape

[King *vs.* Dentua, September 9, 1829].

This Crime was not considered as one of a very atrocious Nature.

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* *Sic.*

In 2 or 3 Instances in which it was committed upon Female Attendants of the Palace, the offenders, who are of some Rank, suffered by the King's Orders severe Corporal Punishment, with Imprisonment, or temporary Removal.

Of Other Cases which occurred amongst common Individuals, the Kandyan Chiefs severally took Cognizance, and sentenced the Offenders to Corporal Punishment not very severe, or to Imprisonment and Fine.

Assaults and Quarrels

These Cases of Course were very numerous and were settled frequently by the Provincial Headmen and frequently by the Kandyan Chiefs. Slight Corporal Punishment was sometimes inflicted, but more usually the offenders were punished by Fine. In Affrays there was a fixed Fine of 7½ Ridi for Spilling Blood called Lay Dade. In other Quarrels of mere Abuse or Blows without drawing Blood, the customary Fine was 3 or 5 Ridi, and if the 2 adverse Parties were found to be in fault, Fines were sometimes levied from both.

Manufacturing, Selling, and Drinking Arrack and Toddy

The use of Spirituous Liquors is contrary to the Express Precept of their Religion, and their Practices have been often prohibited by the Kings within the last 50 or 60 Years, as being Sinful and productive of Profligacy, Quarrels, and other Crimes.

Many Instances are stated to have occurred within that Period, in which having been brought to the King's Notice, the offenders were punished by Whipping through the streets of Kandy and Imprisonment. But such Practices were frequent in many Parts of the Country, and were punished by the Chiefs and Headmen according to their Discretion, by slight Corporal Chastisement, Imprisonment or Fine.

Gambling

This Vice was also strictly prohibited. It prevailed almost exclusively in Kandy and its Environs within the River, and principally amongst the Malays. It was usually punished by Whipping and Imprisonment.

Elephant Slaughter in the Upper Districts, and the Provinces *Contigious to Kandy

Note Page 109.

All Elephants are considered the Property of the Crown and they are Employed in the King's Service, for his Recreation at Public Festivals. Hence the slaughter of them especially of tusked and large Elephants is reckoned amongst the most heinous offences.

It was usually punished by Whipping through the streets of Kandy and Imprisonment in a distant Province.

But if the Elephant be small and of little Value, by slighter Corporal punishment and Imprisonment in Kandy.

In the Districts surrounding Kandy independent of this Punishment the Kuruwa People of Kingalle had a Right to plunder House and Premises and appropriate to themselves all the Paddy *Given {Grain} and other Moveable Property of the offender.

Hunting and Killing of Animals

This Practice was declared unlawful in the Upper Districts within the last 50 or 60 Years on the Ground of being contrary to the Precepts of Religion, and in some Instances was punished by Whipping through the streets of Kandy, and Imprisonment in a Distant Village. In other Cases, which came under Cognizance of the Chiefs, the Transgressors escaped with slighter Corporal Punishment, or Imprisonment, and Fine.

The Practice however continued in Secret and was in fact connived at by the Kandyan Chiefs, to whom a portion of the slain Animal was usually Presented, and it was Chiefly when the necessary Precaution was Neglected that the Hunter subjected himself to the Penalty.

Huniyam

This is a Species of Sorcery and was held in general Abhorrence.

It consists in making an Image or delineating a Figure to represent an Enemy, or in writing his Name, and using Diabolical Arts, Ceremonies and Imprecations whereby it is believed, that skilful Persons have the power of occasioning his Death, Sickness or some heavy Calamity.

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* *Sic.*

It is said, that in the Reign of Narendrasinhe several Persons suffered Executions for this Crime, and that their Lands were confiscated, or delivered to the injured Party.

In the Reign of King Kirttisri 5 Persons suffered Execution for having practised this Sorcery against the King as *are Act of Treason.

But since that Period, the general Belief in the Possession of such Diabolical Powers seems to have declined.

If the Proof, as usually happened was only presumptive, the Accused was directed to swear by Oil, and if convicted, he according to the ancient Custom suffers Death, or becomes an Outcaste from Society, and his Land is confiscated or assigned to the injured Person.

But within the last 50 or 60 Years no one has suffered Execution for this Crime, the Convictions have been very few and in no more than 1 or 2 Instances have the Lands been assigned to the Adversary.

Of late Years, Complaints of Huniyam are not frequently made *a Still more rarely brought to Trial. The Accuser can seldom furnish Proof of the Fact, and the Case is usually settled by the Chief forbidding him to repeat the Imputation.

Slander Affecting Caste

The Infamy which attaches to Loss or Degradation of *Cast amongst the Nations of India is well Known.

This may be occasioned by 2 distinct Acts in the Person of High *Cast.

1st by eating from the House of People of Low *Cast. 2d by a Female having Criminal Connection with a Man of low *Cast.

The Connection of a Man of a High *Cast with a Woman of low *Cast entails no such Disgrace.

The 1st is considered of no great Importance and is easily overcome by denying or falsifying the Slander, and by an Order of the Chief and if necessary by receiving a Pingo from them.

But not so the 2d.

It is said that according to ancient Usage the disgraced Family had only one Resource left for wiping away the Stain, viz. by putting to

* *Sic.*

Death the offending Family {Female?} which was sometimes carried into Effect and the Homicide was deemed Justifiable.

But this barbarous Custom was forbidden by Subsequent Kings who directed that upon such an Occurrence the Parties should seek Redress from the Crown, since which time, the Practice has diminished, and in several Cases brought to the King's Notice when the Fact was notorious and undeniable, the Female was consigned as a Slave of the Crown, to the Royal Village, Gampola, and the Family was ordered to deliver some Provisions to the Royal Store, and by this act became purified.

Since many Years no such Homicides have occurred in the Districts near Kandy.

But in the Saffragam K. 5 or 6 Instances are remembered, within the last 25 or 30 Years. The Persons who perpetrated them, having voluntarily come forward and declared the Deed to their Disavony Chief, were imprisoned and being reported to the Disave were discharged after Payment of a Fine and after no long Confinement by his order and it is believed with the King's Authority.

For the reason stated in the Case of Adultery, such occurrences were not often made Public.

But if Complaint be made that such a Calumny has been spoken by another, he is sent for and examined, and usually denies, or is made to *denie the Words imputed. The Chief makes no Enquiry to establish the Fact, but to falsify it, reproves him for having spoken so in Anger or Malice, and forbids him to repeat it. The affair is *compleated by directing the tainted Family to deliver Betel or Provisions to his House, after which no one dares to utter a Word against them.

[Vide Proceedings of the Board. December 12, 1820.]

Murder of Children
(*Page* 116)

The Murder of Children and Exposure of Children are said to have been at some Periods not *unfrequent, and they were committed chiefly by People of the poorest Class, and upon one of the 3 following Grounds:—

1st. If from mere Indigence and especially having a numerous offspring, the Parents thought themselves incapable of maintaining them.

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* *Sic.*

2dly. If any Child were supposed to be born under an Evil Star, and hence to threaten Misfortune to itself or to the Family.

3dly. If a Child were the Fruit of an illicit Connection, which the Mother was ashamed to own.

This Crime was on different Occasions strictly prohibited by the Kings of Kandy.

But being in its Nature difficult of Detection it still prevailed according to Report tho' not made public, chiefly in Walapana, Uwa and Saffragam, and is believed to have been of rare Occurrence in the other Provinces and in the Districts contiguous to the Capital.

I can learn one Instance only of a Person Tried and convicted of this Offence under the King's Government, who was sentenced to severe Corporal Punishment at the Gabadawa and then released.

Suicide

(*Page* 121)

Suicide is not *unfrequent amongst the Kandyans and is frequently committed under such Circumstances, as show an extraordinary Contempt of Life, and at the same time a Desire of Revenge.

The Instances are Chiefly those, in which a Person has suffered a trifling Injury from an other, as if he has been slandered if he has ineffectually endeavoured to obtain Satisfaction for a Claim, or if his Crops have been spoiled by another's Cattle, or if the object of his Affections has been given away to another—ascending the Tree, and on the Point of perpetrating the fatal Act, he proclaims aloud, that such a Person has done him such an Injury, and that he dies on his Account, under the Idea that he shall draw down Punishment upon the Person who has injured him, as being the immediate Cause of his Death.

In such Cases, the Person to whom the Dying Man imputed his Death, is called and examined with respect to the Offence charged, and if culpable, is sentenced merely to suffer such Penalty as would be awarded, if no Suicide had taken place.

But there are also Instances in which a Person threatens aloud within Hearing of the Man who had injured him, that he is about to commit Suicide for such a Cause, but without the Intention of committing it, and with the mere View of compelling Satisfaction.

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* *Sic.*

It has been observed that Suicides are most frequent in Uwa and Walapana but several Instances have occurred in other Provinces and in the Districts near Kandy.

Of Oaths†

It is the object of Oaths to obtain in Cases doubtful to Human Understanding, a *Judgement of the Diety which it is supposed will be given by a manifest Sign or Infliction when imprecated with solemn Ceremonies.

The following Species of Oaths are in most frequent use—

1st. By hot Oil.

This Oath can be administered only by authority of the Adikars in the Districts surrounding Kandy, of the Disaves in their respective Disavonies and of the Wannigars of Nuwere Kalawiya. The same Power has been exercised by the principal Mohottales of Saffregam, 7 Korles and Wellasse. It is forbidden in the Town of Kandy and takes place either at the Diwurum Bogaha at Ampitiya, the Bogaha at Ganoruwe or the Bogaha at Gonagodapitiya.

The 2 Parties in the Suit being directed to swear, abstain from all Pollutions and purify themselves during 3 days. On the Day appointed which is either Wednesday or Saturday, they proceed to the House of the Adikar, when 2 Olas called Diwi Sittu have been properly written and prepared, one in the name of each Party, asserting the Truth of the Point upon which his Right depends and denying the same of his adversary, declaring that he has employed no Sorcery or Medicines and calling the [four] Gods to Witness the Trnth of his Words.

They next are sent with a Messenger of the Adikar to the 4 Temples in Kandy or sometimes only to that of Pattini. In presence of the Kapurale they offer each a Tangama (8 Pice) upon the Altar and call the Gods to Witness that the Contents of the Olas are true, and the Kapurale invokes them to manifest an Evidence. From the Temple they proceed with 3 Messengers to the Spot where 3 Sticks of the Lime Tree are planted to hold the Earthen Vessels in the *center of a small Enclosure formed by Stakes and White Cocoanut Leaves, 2 or 4 Cocoanuts are brought by each Party. The Oil is extracted from them and poured into the Vessel and Cowdung mixed with Water and strained, is prepared in another, and the Fire Kindled, a Friend or Servant from both Parties

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* *Sic.*

† Page 115

assisting in all these Operations. The Officers having ascertained that the Oil and Cowdung Water are boiling hot by immersing in it a strip of White Cocoanut Leaf, each Litigant advancing from opposite Sides with the 2 Diwi Sittu bound respectively to the lower Part of their Right Arms, breaks the Fence of White Olas calling the Gods to Witness as before at the Temple, that the contents of the Sittu are true and seat themselves near the Fire.

First the Plaintiff touches the burning Oil with the Tip of his Fore or middle Finger usually 3 times in Succession and sprinkles a Drop or 2 upon a leaf which is placed beside it for the purpose of this Proof and then touches and sprinkles in like manner a little of the Water impregnated with Cowdung. Immediately after, the Defendant performs the same operation and the Hands of both being wrapped up with a Cloth tied round the Wrist, they are conducted before the Great Court or the Adikar or Disave who sent them. Here their Fingers are minutely examined, and if nothing is perceptible their Hands are usually *wraped up a 2nd time with a wetted Rag or [a] Piece of Lime [stuck on the finger wherewith the boiling liquids had been touched], and [their hands are] re-examined the next Morning or Evening for the Purpose of determining with greater Certainty. After the examination is terminated, they both again repair to the Temple with a Pingo of Fruits and become absolved from their Interdiction. If both Persons or if neither of them be burnt, the Land is equally divided between them. If one only be burnt, he loses the land and both Diwi Sittu are delivered to the other and if required a Sittu of Decision. The Kapurale and Officers who attend are entitled to Fees of 1 Ridi each, the Chief to a Fee of 4 Ridi, for the Diwi Sittu and again after their Return from the Ordeal to 5 or 7½ Ridi from both.

Sometimes at the Desire of one or both, the Parties are sent to swear at some celebrated Temple in the Country as Embakke, Dodanwela, Alawatugoda, Alutnuwera, Dambulle and rarely Kattregam and sometimes in the Disavonies the Arms are carried from the Temple to a Small ornamented Hut erected for the purpose in the disputed Land and the Ceremony performed in the same manner.

This mode of Trial is also sometimes used in Cases of Debt, of Huniyan and of Robbery but in the latter the accused Person only is subjected to the Ordeal.

2ndly. By Paddy.

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* *Sic.*

When the Paddy of the disputed Field is ripe a small sheaf is set apart by the Possessor in Presence of his Adversary and on a day appointed by the Chief both Parties proceed to the Spot with a Messenger and the arms are brought from a Temple to a decorated Hut within it. After offering a small sum of Money, Both Parties together separate the Grains from the Ears beat out the Rice in a Mortar, boil it and Eat a small quantity repeating frequently during the Performance of all these Works the Diwi Wassagama which is brought in Writing by the Messenger, containing the solemn assertion of their respective Rights and Imprecation that if their Words, be false, the Gods will inflict a Calamity upon them within 7 or 14 days as the Term may have been fixed.

They depart to their Homes and live with the greatest circumspection during the Period and at the Expiration of it appear before their Chief. They had previously declared and caused to be written any existing Sickness or loss in their respective Families and each now relates anything which may have befallen his adversary since the oath—and if any serious Evil prove to have happened, as the Death or Sickness of himself or near Relation or any of his cattle—If his Crops have been spoiled, or Property lost—If a Building or a Fruit Tree have fallen, he is held to have lost. If evil have befallen both or neither, the land is divided—After appearing they proceed to the Temple from whence the Arms were brought and making offerings and imploring Protection become absolved as before.

Sometimes with the view of rendering the Trial more Solemn and certain, at the season of Cultivation a small Portion of the Field is selected which both Parties plough and Sow together and when the Paddy ripens, proceeding to the spot with a Headman or Messenger reap and thrash it together and perform the other Processes in the manner above described.

3rdly. By Earthen Vessels.

With authority of their chief both Parties repair to the disputed Field. The Person in Possession sets up an Earthen Vessel upon a Frame raised upon 3 cross sticks and places a Cocoanut on it. Calling the Gods to Witness that the Field belongs to him and not to his Adversary and imprecating a calamity if his Words be false in 7 or 14 days.

His adversary removes the Vessel and Cocoanut, casts away the former, breaks and eats the latter, repeating the like imprecation or sometimes the Cocoanut is divided between them, and the case is judged (as in the Oath by Paddy) by the Misfortune which may be proved to have befallen either Party within the Term prescribed.

4th. By drawing White Olas.

This is practised in case of dispute regarding the limits of 2 adjacent Lands. The Litigants repair to the spot by order of the Chief and accompanied by his Messenger or a *Headmen. One of them hangs a string of White Cocoanut leaves upon 2 or 3 Stakes planted on the Line which he asserts to be the Limit and proceeding along it cuts a Furrow in some Parts and imprecating misfortune within 7 or 14 Days if his Words be false. Or sometimes the string of Olas is laid on the Ground along the whole length of the limit. The other follows him immediately and removes the white Olas denying that it is the true limit, and lays or place them upon his own asserted Boundary with the like Imprecation and the Case is decided, as in the 2nd and 3rd Mode.

5th. By Striking the Earth, Casting Mud and Water.

Sometimes without authority of the Chief and by Mutual Consent both Parties repair to the Field and together strike the Earth 3 times with both Hands (or cast up Mud or Water into the Air and sometimes at each other), each calling the Gods to Witness that the Land is his and imprecating Misfortune in 7 days, if his Words be false.

If a signal misfortune befall either, he will sometimes resign his Claim without further complaint.

†[6th. Upon Paddy. Another mode of swearing upon Paddy is practised in the Country for the settlement of Claims for inconsiderable debts of that grain. The Claimant proceeds to the house or to the threshing place of his supposed Debtor, and if they cannot agree, the latter measures out from his stock the quantity of Paddy demanded, calling the Gods and the paddy itself as a Divinity, to witness that the Debt was never incurred, or has been paid in full. The Claimant then laying his hands upon the heap, calls the same powers to witness that the debt is still due, and removes and carries it home.]

[This is frequently performed in presence of a Headman or a village Court, and as the value is small, the oath finally terminates the transaction without awaiting a further result. But it is a prevailing notion in the country, that the oath by paddy cannot be falsely sworn without impunity, and that it will operate in due time to the entire destruction of the Perjurer's Family.]

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* *Sic.*

† Not in original notes

*[7th. By Kitul Trees. The Kitul or Juggery Palm tree grows wild in many parts of the Kandyan country, and as it yields some profit, is occasionally an object of dispute between the owners of two adjoining Chenas, or other jungle grounds. A peculiar species of oath is in use for the decision of suits concerning this property, and is administered by authority of the Chiefs, or sometimes of the Superior provincial Headmen. Both parties proceed to the spot in the evening accompanied by a Headman, and the Claimant delivers the toddy vessel into the hands of the drawer, who ascends the tree and fixes it as usual to the flower, whilst the claimant below holding the stem with his hands, invokes the Gods to witness that it is his property, and to declare judgment. For the prevention of frauds the two litigants frequently watch all night near the tree. The Headman attends in the morning, and the vessel being taken down, he examines it and measures with a stick the height of the Toddy contained in it. The next evening the same parties again repair to the spot, where the Defendant in his turn repeats the same process and oath. The vessel is suspended to the flower on his account and the Headman attending again the next morning examines as before the height of the Toddy and reports the results. The tree is adjudged to the person in whose favour the greater quantity of liquor has been bestowed (as believed, by Divine Judgment) and if the quantities are equal, the profits of the tree are equally divided between the parties.]

*[8thly. Oath at the Dewalle. Besides the practice above stated of swearing witnesses at the Dewalle, Oaths are frequently administered there to adverse parties for the decision of doubtful complaints.

If a man claims a lost head of cattle in the possession of another who asserts it to be his own property, both parties proceed with a messenger of the Chief to the Dewalle. They sometimes first offer a fanam each, but sometimes without any offering the possessor ties up the Cattle near the Gate calling the Gods to witness, that it is his property, and imprecating calamity on himself within 7 or 14 days if his words be false. The claimant then laying his hands upon the head and horns of the animal, swears that it is his property with similar imprecations, and untying it leads it home under his charge, and the case is judged by the misfortune which may †befal either party, and especially the disputed Cattle.

Again if any one claim a cloth, utensil, or other lost property, which is denied by the person in whose possession it is discovered—or if he claims a debt of grain or money, which is denied or alleged to have been paid—or if a Robber being seized, admit a part, but deny the

Not in original notes.
† *Sic.*

whole amount of property stated by the Prosecutor, the Articles, grain, or money, or small portions of them, are sometimes deposited by the possessor, or person charged, at the Dewalle, and removed by the claimant with the like imprecations—sometimes without depositing the Article, fanams are offered by each party. In both instances, a term is fixed for the operation of the Judgment, and the case is decided according to the result, as in the 2nd, 3rd and 4th mode* above described.]

There are still two other modes which are said to have prevailed in ancient times, but have fallen into disuse now.

6th. By Rupolle or Red hot Iron.

The Litigant Parties successively take in their Hands a red hot Piece of Iron laid upon a leaf and proceeding 7 Paces, cast it away. If the Hand of either be burnt he loses the Suit.

7th. By the Naya or Cobre de Capella.

A Cobre de Capella is put into a Vessel with a narrow neck and some Silver Fanams are cast in by an indifferent Person. Each Party in Succession takes out the Fanams with his Hand, and if either be bitten, it is a Judgement against him.

Disaves

The Disaves are Governors of Provinces, which are usually called Disavanies. They possess within them both Executive and Judicial Authority.

They collect and send to Kandy the Royal Revenues, which consist principally the following Branches.

1st Deykum, or Tribute payable in Money into the Maha Aramudala or G{abadawa}. It is of fixed Amount in each Disavany: but varies much in different.

It is paid from certain Emoluments, to which the Disaves are entitled. The a{mount} has no exact Proportion, but is supposed to have been originally fixed with a Reference to those Emoluments.

2dly Kada Rajakariya, also of fixed Amount payable into the Gabadawas or Royal Stores, immediately by the Inhabitants. Partly in Money, partly in Rice and partly in other Produce.

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* *Sic.*

3dly Miscellaneous Duties, payable by certain Villages or Classes in certain Disavanies, consisting of Iron, Steel, Salt, Oil, Ghee, Betel, Jaggery.

The Produce of certain Royal Lands, under Charge of the Disaves, distinct from the proper Royal Villages, which are under the Orders of the Gabada Nilames, or Royal Storekeepers.

Precious Stones—which are the sole Property of the Crown.

They command and enforce the Public Services of the Inhabts. according to the Custom of the.....Classes.

The Public Services consist principally of the following:

They re-build and repair Public Edifices, principally those in Kandy, which were originally constructed by them.

They erect New Buildings, according to the King's Orders, in which case the Work is divided between them with tolerable Equality.

They furnish Timbers or Planks for any Public Service.

They build Bridges, repair Roads, erect Rest houses for the King or for the Disave within their respective Disavanies.

Disaves

The Disaves are invested with the following Jurisdiction in Judicial Matters.....

In Criminal Cases they have Power to hear and decide all Burglaries, Robberies.....and affairs of any Kind, except Treason and Homicide.

They can inflict Corporal Punishment, fine and Imprisonment without.....But the Instrument and the Mode of Corporal Punishment vary according to the Rank of.....

In Civil Cases, they can hear and decide Suits concerning Moveable and Immoveable Property to.....except it be Dukgeynawilla Land.

In Important Cases, the Disave sometimes makes Reference to higher Authority.....and in all Cases, appeal lies to the King agst. their Decisions.

The Wihare, Dewale and Gabada Gan and Ninda Gan situated within the Disavany are exempted from the.....the Disawe—also Dukganna Rala or Persons who have been admitted into the Kings' .....and enjoy exemption from all other Service and Duties—except the Payment of Rice to the Royal Store.

The Kuruwe and Nindagam are sometimes exempted—

But on extraordinary Occasions, when the Disave is ordered to his Province, to call forth the People for War, or for any great Public Work, these Villages are also for the Time specially placed under his Authority.

The Disaves are entitled to the following Honours, Privileges, and Emoluments, which vary in different Provs., but generally consist of the following:

When they arrive at the Limits of their Provs., when they reach their Resthouse, and when they depart from a Resthouse, a Salute of Kodituwakku is fired.

They travel in Palanquins beyond the limits of Kandy—on a Horse or Elephant, or within their Disavanies are preceded by Tomtoms and Banner—their Resthouse hung with White Cloth.

No Headman or other Person (except Persons of Their own Rank) can sit in their Presence—without—They may within—If without, both stand.

There are Persons particularly allotted to the Duty of carrying their Palanquins, carrying their Burthens, bringing Fire Wood and Water, building or repairing their Houses or performing other Menial Service in their Family.

They enjoy the following Emoluments, and of the same Description, but differing much in Amount, in difft. Disavanies:

1st. Bulatsurula or Fees usually paid for the Appointments within their Disavanies. The Amnt. is fixed by Custom, but Persons anxious to obtain them occasionally pay more.

2dly. Mura Ridi, or fine of fixed Amount paid as Commutation for Personal Service, by certain Persons, Atapattu, Hewa or Mohm. Wasam, Kodituwakku (period is 30 days) People, who fail to attend upon the Disawe in Kandy, according to the fixed rotation of duty.

2 ridi from 4 K. Uwa—3 from 7 K. {? 5} from Saff.—1 from Matale, 1 Walapane.

And by the above mentioned, and Ganwasamkarayo, others, who fail to attend at the Great Festival of Perahera. On failure, they pay 2 Ridi from 4 K. Uwa, 3 from 7 K., 5 from Saffragam, 3 from Matale, 1 from Walapane, also from 7 K., if they fail to drag the great Kumba.

3rdly. Fines levied by the Disave for Criminal Offences or for Neglect of Duty. It generally cannot exceed 100 Ridi, and in few exceeds 20—for minor Crimes seldom above 10.

4th. Rice Duties or Money in lieu of it paid by certain Classes of People called Ganwasamkarayo.

4 K.

7 K. 22 Pice for each Kada to Maha Gab. 20 Pice to the Disave.

Uwa.

Matale. From Undagoda and Asgiri K., when a Kada of 12 Neyli, 6 Pol, is delivered to the Maha Gab. 3 small Neyli and 2 Pol called Suwandiram are paid to the Disave.

.....Presents of Cakes, dressed Rice, Fruits and Vegetables Watti of Malu and Fruits by Vellalas, and Pingo of Malu by Low Cast* .....made by the Headmen and People either upon the Disave's first Appointment, or.....Appearance in the Disavany or at other times for honour or Respect, or upon preferring Complaints—or upon receiving.....decision—In Disavanies, for 1 Peyla 10 or 15, for Hena according to Value. In Udahattare, never more than 5 to Chief, and 1 called Kankan Massa to Walauwe Kankan, besides 2 or 3 to Liyanarala or Korala. Adukku or Dressed Provisions and Peyhidum or raw Provisions, which are furnished.....Disave, when resident in his Disavany, by the Gan Wasam or Patabendi.....and oil. Meti and Earthen Vessels.

.....Produce of certain Lands, which are enjoyed by the Disave for the time being.....Lands abandoned by their Owners, or a proportional Consideration in Money.....any Person, to whom he may deliver it.

In 4 K. and 7 K. they receive the Surplus of Produce from the Disave Nindagan after paying the fixed Padi to the People.

The Nindagan are frequently granted by the King to some Dukganna or Servant who applies—at other times the Disave bestows them.

* *Sic.*

Panduru Mila—None in Saffragam.

The Kuruwe People in the 4 great Disavanies have the exclusive Duty of catching and taming wild Elephants and are the Keepers of tame Elephants.

The Madige People consisting of Fishers and Moormen perform the Duty of Carriage by Bullocks. They provide Bullocks and transport Royal Property, principally Grain.

In Consequence of their Trade with the Maritime Provs. they furnish annually certain Quantities of Salt to the Royal Stores gratis, and they paid into the.....annually, the Profits upon the Sale of certain Quantities of areka under the Monopoly, which existed, but has now been abolished.

The Kuruwe and Madige People are sometimes placed under the orders of distinct Chiefs and in that case are exempt from the Authority of the Disave, in whose Province they are situated.

The Kottalbadde People or Blacksmiths perform Iron work for any Building which has been allotted to a Disavany. Those of the 4 K. and 7 K. any Work whatsoever, equally with the Kottalbadde of the Districts within the Mountains.

The Badaheylayo or Potters come to Kandy on Duty, in Rotation, once in the Year, and during 2 Months at a time perform during that Period any Service which is directed, in order, 4 K., 7 K., Uwa, Matale. The Atapattu People are on Duty by Divisions in Rotation at the Disave's House, in a separate Building called Atapattu Maduwa, and they have special Charge of the Lekam Mitiya, the Banner and the Awudu of the Disavany which are deposited there.....convey the Disave's orders throughout his Province and summon and arrest Persons—Guard Prisrs. committed to their Custody.

The Hewa Wasam People or Mohm. Wasam also are on Duty by Divisions in Rotation at the Disave's House, in a separate Building called Dandu Maduwa.

The Kodituwakkukarayo are also on Duty by Divisions in Rotation at the Disave's House in the Kodituwakku Maduwa. They have special Charge of the Kodituwakku or Gingals—guard prisnrs. of inferior Rank, committed to them, and on urgent Occasions are sent to apprehend refractory Persons.

Ganwasamkarayo or Patabendo—deliver Kat Rajakariya to Maha Gab.—and to the Disave—and Panduru Mila—occasionally drag Timber in their Korle and for a few Days in Kandy, when they come to Perahera.

Of Lands, and Landed Tenures

It is well known, that the Service Tenure prevails throughout the Kandyan Provinces.

The Possession of Land is the Foundation of the King's Right to the Services and the Contributions of the People, and *vice versa*, in general. Persons not possessing Lands are liable to no regular Service or Duties, but in some instances to light and occasional {duties}. Lands which properly subject the Possessor to Regular Public Services and Contributions, are low Paddy Lands which can be cultivated every Year, but not (with some few Exceptions) Gardens or high Grounds. 4 Lekam Miti or Registers of Persons liable to regular Service are kept in the Hands of the Chiefs of the Provinces and of many Departments to which they respectively belong. He who openly abandons his Lands (which sometimes occurred, particularly in the latter Years of the late King's Reign on account of the Severity of the Duty) is no longer called upon to perform Service or to pay Duties.

Service Land thus abandoned is strictly the Property of the Crown, and in some instances the King has exercised this Right by taking the Crops, and by say re-granting the Land. But according to more general custom, the Crop is appropriated or disposed of by the Chief of the Province, Village, or Department to which the Land belongs, or it is re-granted by him, to another, subject to the same Service, frequently on payment of a suitable Fee.

Land abandoned, if reclaimed by the original Proprietor or even by his Heir is usually restored, on Payment of a suitable Fee, unless it has been definitely granted to another, or possessed many Years by another Family performing Service.

No Person retaining his Land can without the King's Permission change his Service, that is, abandon his proper Department and Service and resort to another.

All Lands are alienable by the Proprietor, but continue liable to the same Service. Hence Persons of high Cast* seldom purchase the

* *Sic.*

Lands of the Low Classes, especially if the Service be that of any Handicraft or Menial.

All Service Lands may descend to or be acquired by Females, who either pay a Commutation in Money or if required provide a Substitute to perform Personal Service.

Rajakariya, which may be properly interpreted King's Duty, implies either the Personal Service, or the Dues in Money or in Kind, to which any Person or any Land is liable.

Personal Service was in very many Instances commuted for a Money Payment, which was considered the legal Perquisite of the Chief.

1st. Universally in the Case of the Atapattu and Hewa Wasam People, and Kodituwakku People of the Disavonies. Of the Lekam People or Persons of some other Departments in the Upper Districts, who perform in Rotation regular Mura or Duty at the House of their Chief or at other fixed Stations. All Absentees beyond the number required to attend, paying a fixed Sum called Mura Ridi which will vary in different Places and Departments from 1 to 5 Ridi each, for 15, 20 or 30 Days' Service.

2dly. In the Case of the same and other Persons, who were obliged to attend at Public Festivals in Kandy, and who pay to their Chiefs, each a fixed Sum for Failure.

3dly. In the Case of the Classes above mentioned and some others when called upon to furnish Timbers, erect Buildings or perform other Public Service, all Absentees whether excused by favour or disabled by Sickness or withheld by urgent private Concerns, pay a Commutation in Money called Gaman hige.

The Chief being held responsible for the expeditious Performance of the Work assigned to him, the King seldom enquired minutely the Number employed.

Hence will appear the Reason upon which is founded the Practice above mentioned of the Chiefs receiving the Crops or the Emoluments to be derived from vacant Service Lands. But he could only dispense with the Personal Service for it was an invariable Rule that the Chief enjoying the Benefit of the Crops, must deliver to the Royal Store the Revenue chargeable upon the Land.

Every Field with few Exceptions, has attached to it a Garden and a Jungle Ground called Hena which as a Matter of Course are inherited and transferred with it.

No specific Term of Years constitutes a prescriptive title {of} Land, notwithstanding a Vulgar Saying which attaches Validity to 30 Years. But an undisturbed Possession of many Years is considered in all Cases as a strong presumptive Proof in favour of the Possessor.

Demala Pattu

Demala Pattu (called also Hatpattuwe Rata) is Part of that Kandyan Provce. which was formerly called the Disavony of Puttalam and conferred on a separate Chief of which the Western Part.....ceded to the Dutch at the Peace of {1766}.

The Disavony of Puttalam consisted of the following 7 Pattus—(1) Anaolandan P.—(2) Munesseram P.—(3) Pandita P.—(4) Perawili P.—(5) Karambey P.—(6) Kirimetiya P.—(7) Marikara P. whereof the whole of Karambey and Kirimeytiya P. and Parts of the other..... constitute the Demala P., which by the Name of the Disavony of Puttalam has usually been conferred on (granted with) the Disave (Disavony) of the 7 K. but under th.....King, frequently conferred as a separate Disavony.

The following Headmen are appointed by the Disave in each Pattu.....

1st Anaolandan P.—1 Korale and 1 Undiye Rale—or Liyane {Rale}
2d Munesseram P.—1 Korale and 1 Undiyerale—or Do.

3 Pandita P.—Kumara Wanni Unneyhe—and a Lekam apptd. by him—1 Korale and 1 Undiyerale or Liyanerale.

4 Perawili P.—1 Korale—1 Lekam or Liyanerale.

5 Karambey P.—1 Korale—1 Undiyerale or Liyanerale.

6 Kirimetiya P.—1 Korale—1 Undiyerale or Do.

7 Marikara P.—Raja Wanni Unneyhe—1 Undiyerale—or Do.—No Korale.

A separate Rate Mohottale and Walawuwe Moh. are appointed by the.....for the Demala P. from some Principal Family within it and all per{sons} except the 2 Wanni Unneyhela and their People are subject to their Orders.

The Kumara Wanni Unn., Korale, Undiyerale and People of Pandita P. are altogether free from their Authority—and the Undiyerale

and People of Marikara P. are more subject to the Raja Wanni Unneyhe, than to them.

All the above Headmen and some Gammahela and Aratchies are appointed by the Disave and give Bulatsurul—to the Disave and to the 2 Mohottales—Except the 2 Wanni Unneyhela and the Korale and Undiyerale of Pandita P. who give Bulatsurul to the Disave only.

The ar.....? {have} no Aratchy Wasam, but are mere Paniwidakarayo to carry Orders.

In Perawili P.—Paramakande Wihara—(cave)—Labugale Wih.—(cave)—Galkulame Wih.—(cave)—Karulagasweywe Wih.—Kottukachchiye Wih.—Halmilleywe Wih.—

In Kirimeytiya P. Mullegama Wihara, a cave.

The *Inhabas. of Demala P. are Ganwasamkarayo. There are no Atapattu or other Aratchy Wasam. They perform no Mura.

They render no other Rajakariya, than Kathal to the Maha Gabadawa.....pay no Tel Mila or Tela Mura.

There are the following Vidane Villages within it:

In Pandita P. both Deytana and Uppalawatte, contains 20 Men Paduwas, and furnishes Sarakku to the Betge.

Periyakulama—12 Paduwas—(Batgamwala Durayi)—in Karambey P.
.....ginipitiya—7 or 8 Do. in Karambey P.

.....3 contain Muttettu Fields, of which the profit belongs to the Chief.

.....Vidane Village belongs to the Rate Lekam—in Pandita P.

{*Demala P.*}

.....formerly appd. only a Walaweuwe Lekam for this Pattu who, however, exercised the.....a Rate Lekam, except over the 2 Wanniyas and their 2 Pattus and collected and brought to .....the Rajakariya.

.....ffice was given to some Person of that Pattu. Bulatsurul was about 1,000 Ridi.

.....Families who held the Office were Dorabawile, Attikulame, Mahoriya.

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* *Sic.*

.....Vidans were appointed over the 4 Vidan Villages.

.....People of these Vidan Villages had no Mura and performed no Service for the Disave but.....came to Kandy with the Rajakariya.

.....Walawuwe Lekam recommended the inferior Officers.

.....time of Eyheylepola Adikar (the present) Dorabawile Mohottale first obtained from.....the Office of Rate Lekam, and since that time a Rate Lekam &.....separate Walawuwe Lekam have been appointed.

But neither before or after have they been allowed to rank or sit on equality with the Rate or Walawuwe Lekams of the 7 K., but with the Walawuwe Vidans.

No Aratchy Wasam—perform no* Work in Kandy.

Till the term of younger Molligoda Disave, one Lekam called Walawuwe. He gave besides a Rate Lekam.

Deytana (1 Duraya) and Uppalawatte (1 Duraya)—in Pandita P.

Deytana—Muttettu 0.3 P.—5 Pangu divided to many—whole Village 16 As.

Uppalawatte—Muttettu 1.1 P.—3 Pangu divided to many—whole Village 18 As.

Ihalagama, Meddegama, Pahalagama.

The People of the Village must cultivate for Ninda, receiving Seed.

If the Vidan gives 75 Ridi, he receives the Produce—If 30, the Disave.

They bring Loads to Kandy, do Work in the District, none in Kandy.....Furnish, if required, 5 fnms. each.

From all the Fields of the Inhts., is paid Otu 3 P. for 1 A.....

Half belongs to the Vidan, Half to Disave.

2 Durayas appd. by Vidan—5 Ridi each.

Deytana brings Rajakariya of Perawili P. to Kandy—Uppalawatte that of Pandita P.

In Karambe, Periyakulama—Muttettu 0.3.0.—4 Pangu—16 As.

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* *Sic.*

Cultivate the Muttettu—Ninda—receiving Seed.

Gives 30 Ridi—if for Ninda—75.

Furnish 4 or 6 Men to accompany Vidan, without giving victuals.

Take Otu also from all Inhats.' Fields.

1 Duraya appointed by Vidan.

In Kirimeytiya P.

Inginipitiya—Muttettu—1.0.0.—5 Pangu—16 As.

All the same Rajakariya—Bulatsurul, Duraya or Otu—

5 Men, can be called for Service.

In Pandita P.

Diwulwewe—No Muttettu—2 Pangu—4 Men—6 As.

This Village is always given up to the Wal. Lekam, and the People in ?Journies carry his Kotta peyduru—Sesata—Padikkam—or Talatu.

Otu for —3 As.—

Somet{imes}.....appoints a Vidan, for 10 Ridi—who appoints a Duraya. All the ab.....Batgam Durayo.

The Rajakariya of all the Pattu is brought to Kandy in Nikini by the Liyanerale.

From Pandita P. and Perawili P. are given Walaw Kada only. No Wahala Kada. From all the other 5, both Wahala and Wal. Kada.

Kirimeytiya P.

Wahala Kada—14 Ridi at 20 Tuttu each—to Maha Gab.

Walaw Kada—16 Ridi at 20 Tuttu.

Dada Mudippuwa—5½ Ridi at 12 Tuttu each.

Irawari—5 Ridi at 16 Tuttu for Tel—Hal—Peyni &c.

Radabadde—2 Ridi at 16 Tuttu collected from Radauw.

{Berawa}badde—2 Ridi at 16 Tuttu collected from Beraw.

{Otu Mi}la—2 Ridi at 16 Tuttu.

{Bandara M}udippuwa—2 Ridi at 16 Tuttu for Stray Cattle.

.....P. Precisely the same.

{Kirimey}tiya P. and Karambey P. were formerly in his Father's time under 1 Korale {ca}lled Hingala Gandahaye Korle.

Pandita and Perawili were under 1 Korale and called Demala Gandahaye Korle.

From each of these for Walaw Kada are given 48 Ridi at 20 Tuttu.

Dada Mudippuwa 5 at 12 Tuttu.

Irawari 5 at 12 Tuttu.

Otu 2 at 16 Tuttu.

Bandara Mudippuwa 2 at 16 Tuttu.

Anavulandan P.—Wahala Kada 3 Ridi at 20 Tuttu.

Bulatsurula 5.—Walaw Kada 4½ Ridi at 20 Tuttu.

Dada Mudippuwa 5 Ridi at 12 Tuttu.

Otu Mila 5 Ridi at 12 Tuttu.

Munesseram P.—Wahala Kada 5 Ridi at 20 Tuttu.

Bulatsurul 15 Ridi.—Wal. Kada 6 Ridi at 20 Tuttu.

Dada Mudippuwa 5 Ridi at 12 Tuttu.

Wal. Moh. 5- Otu Mila 5 Ridi at 12 Tuttu.

No Kada Rajakariya from Kumara Wanny P. nor from M.....P.

From the Korales of the first 4 P.

To Disave—37½ Ridi—to Wal. Moh. of Demala.....To Vidan 5.

In Peraweyli P. is of Raja Wanniyar to whom belong 2 Divisions of.....

1st. Marikara Pattu conts. from Pitihandiya Villages of Rata Eytto and Wagayo.

These inhabs. formerly paid Otu to the Mukarro of Salang near P.....whose Service was to catch Eytun Ali.

Since the Separation of Puttalam, they never pretended to it, and this Pattu became the Nindagama of the Wanniyar, who recd. Otu from it, and sent for Motakkarayo from Mannar to catch for Kuli the Elephants.....which he was bound to furnish to the King.

From these also he collects 7½ Ridi (of 16 Tuttu) pr. ann.

2nd. Elimede P.

Contg. 4 or 5 Villages —inhabited—4 or 5 now Palu.

From this also he receives Otu at the Rate of 2 P. for 1 A. sown, the to {her} Half being given up in Consideration of their furnishing him with Adukku (?m.....and paying 7½ Ridi Penum pr. ann.

From neither of these Pattus does he give either Wahala or Walauw Kada. Instead of the former he gives Deykum to the Aramudale, and instead of the latter Penum to the Disave.

From the other Division called Perawili P., the Korale gives Wal. Kada only, the Wanniyar's Dekum standing in place of Wahala Kada. He goes once a year to Perawili P. and hears Cases, especially Kula Witti, with the Korale {and Pata} bendo—who all receive Adukku from them.

Kumara Wanni Unneyhe, of Moor Religion from Nallandiya.

Has jurisdiction over the following, which are properly Parts of Pandita P.—

1st. Marikara P. consisting of 4 Villages of Eymbettayo of Moor Religion. They formerly caught Eytun and therefore paid no Otu. He remembers in his Youth in the time of Kirttisri they did. No one could do it since, and the Wanniyar ?also received from them Otu and Penum.

2nd. Ninda P. Contg. 36 Villages of Rate Eytto, Moormen and Hunno.

They all paid Otu to the Wanniyar, and also Penum of 7½ Ridi (considered equal to 1 Waragama) from each Village.

1 Vi.....Madawakkulame large village of Moormen paid 15.

From the.....sion called Pandita P. the Korale gives Walauw Kada. No Wahala.

The Kumara Wanni Unn. goes Circuit once a year into Pandita P. to hear Cases with the Korale and Patabendo. But the Korale never comes to his Ninda P.

{Ra}ja Wanniyar and Kumara Wanniyar are both called of Mukharu Cast* and they call themselves Relations.

The Respect paid to both by Rate Eytto is the same.

In their Ninda P., the Rate Eytto gave them a Couch and Eytirilla and he sits and eats, on it, whilst the Rate Eytto use the Ground, but no

* *Sic.*

Wiyan. When they come on Circuit to the Korales' Pattu, they do not make ready a Room for them, but the Maduwa—and there a low Plank is.....pared, 2 Mats spread on it and an Eytirilla by the Radauw. There he sits when alone and sleeps—but when Rate Eytto are present, as frequently when he eats Adukku brought for him and them—or when he hears Complaints or talks with them, he sits on a Mat on the Ground.

Only at Meals, the Radawa gives a Neymma (Cloth of 4 Cts.) to lay over his.....kkum and Lap. This Neymma is not given to the common Patabendo,.....to such only as have held office of Korale.

.....Rice and Curry are served to him upon a Kehel Kolapata, which after using, his own Servant takes away, not the Rate Eytto.

{Ins}tead of Wiyana, a new Mat is spread above the Wanniyar's Plank.

For the Korale, tho' come to the same Village with the Wanniyar, a Room is.....pared, Mulu Wiyan tied, a Bed and Eytirilla given.

His Rice and Curry are served upon a Putuwe spread with a Cloth.

.....Wanniyar and Korale hear Cases together, they sit each on double Mats, spread with white Eytirilla—No Distinction apparent—The other Rate Eytto sit on single Mats. If a late Korale, 2 Mats without Eytirilla.

For the Rate or Walauwe Lekam, they clear the Road

and then give him a Room and Bed with Eytirilla and Mulu Wiyan, and besides build a small Square Room or Pandalama almost joined to it in the Court, without Wiyan but with Mats and Eytirilla—Here he sits and hears Complaints, whilst the Korale and People *stand*, the Korale within, People without.

The Radawu wash for the 2 Wanniyars, but do not eat from them. They receive Money or Paddy for Kuli. They wash also for the Achari and Panikki, and receive the same.

There are some Malabar, and some Singalese Panikki. The latter come from a large Village of them Panikkigama (professing Hewa Wasam) in Giratalam P.

There are 2 Villages of Hunno (called Kadiru Gan) in the Ninda P. of K.....Wanniyar. Malabars—the Radawu do not wash for them.

To settle a Kula Wittiya, the Wanniyar must be present, even in .....He hears it with the Korale and Rate Eytto, usually in the Village where it occur.....ter hearing the complt. gives a Bulatsurulla (50 to 100 Ridi according to his Ability, and th.....gravity of the Case).

The Achariya, Panikkiya and Radawa must be present, and receive (from the Rate Eytto) 5 Ridi each. The rest is divided into 3, between the Wanniyar, Korale and Rate Eytto, or into 2, if the Korale is absent.

After payment, the complts. brings rice.....t Day or the next, of which all eat, and order is given by the.....that no Man must speak that Kula again.

It is said that Nallandiya and Pitahandiya came from Ayottiya or Ayyotti Pattanam and having given Deykum to King Hitawaka obtained their Territories.

At the same time, and in the same Ship came.....others, from Ayiyotti also, and settled with the Title of Wanniyars in single Villages on the Coast of Putalam, had villages, but no Territory—but held Office both in...King's time and under the Dutch.

About the same time came Wahagedere Rale and Uduweriye Rale from another Country in another Ship.

The antient* fixed Deykum of each Wanniyar was 1 Eytnamba pr. ann. Or in failure 100 Pagodas = latterly to 1,000 Ridi.

And besides this, Penum to the Disave 50 Pags.

Before the Dutch War, Putalam Disavany was given to Angammana and also Nanag{e—Lekam—After him to Mattanagoda Disave—in whose time,.....Dutch landed from Calpitiya (which from the Portuguese time was in their .....and seized Putalam—and the Disave fled.

After the Dutch War, the Disavany of Putalam being divided, Raja Wanniyar (.....G. Father of the present) fled to Salange and lived there. Kumara Wanniyar (uncle of the present) fled to and fro across the.....Road, when sent for, and both avoided the Payment of their Deykum.

Galagoda Adikar was succeeded at his Death in the Disavony of 7 K. by Pil. Tal. Adikar and the latter at his Death by Angammane.

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* *Sic.*

In his time, Walakulpota Korale of Tiragandahaye K. was appd. Korale of Raja Wanniyar's Ninda P.—and sent to Collect the Rajakaiyn. On this Raja Wanniyar, seeing the Loss of his Name and Rank, came to the Korale and said that he would go to Kandy with his Deykum. He sent for people from Mannar, caught an Eytnamba and Alinamba—came to Kandy with the Korale—presented them—gave Money besides—and because it was deficient went to Putalam, mortgaged his Territory to Awudul Marikair for Rd. 500 and brought it to Kandy.

As a.....of their Territory had been ceded, their Deykum was reduced to 75 Pags. and th.....Penum to 25 Pags.

.....the appearance of Raja Wanniyar, Kumara Wanniyar was seized and brought.....er to Kandy and first imprisoned 3 Years at Ampitiya, where he borrowed money from Ramasamy (Mama of the King Rajadhi) and presented Deykum, but it was insufft.—and he was sent Prisr. to Kehelelle and after 6 years more his Relations borrowed more Money from Ramasamy, and after paying altogether 9,000 Ridi, he was released and was living in Kandy, when he fled over Alutgam Tota, without Leave, was seized, and brought back and confined 3 years at Gonagame, and then escaped to his country}.....d there.

His Brothers afterwards obtained the office of Wanniyar, but neither they nor Raja Wanniyar afterwards paid their Deykum in a regular Manner. If they came to Kandy or the Disave went there, they gave a large Bulatsurul to the Disave and evaded. They did not pay the Deykum to the Aramudale, but to the Disave, who paid it there. In the time of the deposed King, the 2 Brothers of Kumara Wanniyar were sent for to Kandy by Migastenne Disave and the balance of their Debt to Ramasamy recovered, Migastenne giving 2,000 Ridi to finish the Debt. He knows of no Eyt Namba or Ali Namba being brought to Kandy since, and doubts whether any Deykum was paid to the Aramudale.

Raja Wanniyar from Perawili P. and Kumara Wanniyar from Pandita P. are authorised to collect a Penum from each Village of 2 Ridi of 12 Tuttu {o}n acct. of their Deykum. But if they evaded their Deykum, the People need not pay it.

Karambey P. and Kirimetiya P. were in his Remembrance, by the Name of Hingala Gandahaye, under 1 Korale.

.....like manner, the Korle Parts of Pandita P. and Peraweyli P. by the name of Demala Gandahaye, were under 1 Korale.

Till, in the time of Rajadhi, Migastenne Adikar being at Dambadeniye, appointed 4 Korales.

The 5 original Villages of Karambey P. are Karambeyweywe, Palankulame, Weytiyegedere, Kotalakemiweywe and Pahalatalakolaweywe.

The 5 original Villages of Kirimeytiya P. are, Kirimeytiyawe, Nawagattegame, Hi.....game, Ratteriyagame and Nitawagame.

The 5 original Villages of Pandita P. are.....

The 5 original Villages of Peraweyli P. are.....

It is supposed, that the whole of these 2 P. originally belonged to the Wanniyars and their Malabar Associates, who went to the Coast for Trade, and sold their Lands, w{hic}h are now Korle Gan, to the Rate Eytto and other Singalese, of some have Malabar Talpat from the Wanniyar.

Munesseram P. and Anawulandan P. formerly kept in Repair and did all Service.....Perahera and Festivals at Munesseram Dewale, but not since the Separation.....

Of Munesseram P. only 4½ Kat (of.....). Of Anawulandam P. 2½ Kat.....remain.

There was a Muttettu of 12 As. at Munesseram belonging to the .....{ w}hich was taken by the Dutch Captain.

Ira Wari is a Duty formerly paid in Kind, Rice, Mipeyni and Duntel. He understood it to be a Dan Kada for the Maligawa, but knows not the Meaning. Was paid to the Disave.

In the time of Rajadhi, the Uliyakk...Villages having been granted to Malabars, and no Coolies to bring the Duties, Angammana Adikar directed it to be paid in Money ever Since.

I{n} Wanni, all Malabars, landed from Ayiyottu Pattanam in..... of Hitawaka, gave him Dekum, and obtained the country. It is said, 18 altogether including Raja Wanni and Kumara Wanni belonged to Putalam Disave.

Raja Wanniyar is a Prangi Religion (*Sic*).

Kumara Wanniyar is a Moorman.

Both these and their Relations are called Mukaru, both Christians and.....

Raja Wanniyar was born at Nawakkaduwe, belonging to Putalam and lives there.....Service for Demala P., and has Relations there, and at Ma.....and Puttalam, and Kurikulam Port.

Kumara Wanniyar was born at Puluniya in Putalam, but re..... Palugasweywe in Pandita P. and has Lands there.

Has Relations at Puluniya, Kurikulama Port near Putalam and Karaleywa and Mitdaluwa in Pandita P.

The only other Malabars residing in Demala P. are Panikki or Barbers of Moor Religion, who live in Ramankulama, Sangattikulama, Alutgama, and Mannigama, which are in Pandita P. and in the Ninda Gam of the Kumara Wanniyar, who receives Otu.....2 P. for 1 A. from them and Fines &c. and they render no Rajakariya.

Moormen live in Madawakkulama a Moor Church—Ihalagama—Kahatakulama—Karakkulama—in Pandita P.—also Nindagam of the Wanniyar, who takes Otu &c. from them.

There are also 3 or 4 Villages of Singalese Rate Eytto, which are called the Wanniyar's Ninda Gam and pay Otu to him.

All these Ninda Villages give no Rajakariya to the King, but in co.....of them, the Wanniyar gives Dekum annually or Etnamba or Etdat and Warag{am}.....knows not the Amount.

Marakara P. is entirely the Ninda Game of Raja Wanni Unneyhe who receives Otu, 2 P. for 1 A. from all the Villages and Fines &c. and gives Dekum, an Etnamba, or Etdat and Waragam.

In it are no Moor or Malabar Villages—the greater Part Rate Etto—all are Singalese.

There are besides in this Pattu, People of the Cast* Wagayo, called also (in respect) Kammalayo or Kammal Minissu, because they landed at Kammaltota (Kaymal) unknown from what country. They are of Malabar Extraction, and {spoke} Malabar amongst themselves, but now Singalese.

.....are not related to any Cast* of Singalese.

They are of.....dhagama.

{Rada}wu wash for them, but will not eat of their Bat Bulat..... to their Marriages, but do not eat of them.

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* *Sic.*

Rate Etto give them Kotale and Rice on Kehelpata with Atulpata, which they (Wagayo) cast away.

They live in Puliyankulama, Weragala, Palugaswewe, *Lunuwewe, Balugollagama, Kaluwere (now Palu) gaswewe.

.....Salt made here, but Kiwula frequently rises in this and other Villages and spoils the Paddy.

Also in Maruppa Kattakaduwa of Puttalam.

Also in Sandanam Kulam in Kirimetiya P.

Raja Wanni Unn. is of Mukara Cast*—knew no other by which he is called. He marries with Mukara of his own Cast*, not with Singalese.

Mukaru also live at Galgamuwa in 7 K. the Wanniyar's Relations.

His Cast* is a little inferior to Rate Eytto, but superior to Moormen.

Because Rate Etto give the Wanniyar Adukku on a Kehelpata, but do not cast it away—One of the Wanniyar's People.....it.

The far greater Part of Fields are sown for Maha in Wak and Il and Season...sown in Wak and Il with Kurakkan.

A few are sown for Yala, if there be Rain, in Wesak and Pohon and reap {ed in} 3 Months *i.e.* in Binara.

Chena are generally cut and cleared in Eysala and Nikini being the Dry Season...sown in Wak and Il with Kurakkan.

These are called Nawadili.

Other Chenas are sometimes sown in Wesak and Poson with Minery, whi{ch is} reaped in Eysala and Nikini and again sown in Binare with Ku{rakkan}.

These are called Hiyara Hen.

Sometimes, but not frequently, in Mukulan Hen, Kapu and Miris .....with Kurakkan and grow after it is cut.

Nitre is found in Paramakande Gallena.

Also in Kadiyawe Gallena and Mayilaweywe Gallena, both in Magul K.

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* *Sic.*

Demala Pattu

1 Rate Lekam—1 Walauwe Lekam—recent by late King and abolished.....

6 Korales.

4 Vidans.

6 Kariya Karanno.

Pandita P. Kumara Wanni—13 Pingos.

2 Peyidum to the Disave when there and 1 tusked Elephant..... formerly in Money 1,000 Ridi, afterwards 50 Pags. which are.....

To Disave 5 Pags.—2 Elephant's Tusks—1 red Tuppotty annually .....

In *Perawili* (Marakara) P.—Raja Wanniyar 13 Pingos—he pays the .....the Kumarasinhe.

Bounded on S. by Deduru Oye—On E. by Magul K. {running} .....to the Kala Oye—The Mi Oye runs through it.....

Munesseram P. 62 Kat belong to Chilaw—4 to Kandyan.

Anawulandam P. 63 Kat belong to Chilaw—2½ to Kandyan.

Pandita P. 2 Kat belong to Chilaw—11 to Kandyan.

Contains *Dulwewe* (Diwulwewe) 8 As. furnishing Otu and 4 As. asweddum all...d to R.....

Uppalawatte—30 As. of which 17½ As. are delivered to the D..... 12½ to the Cultivators including the Vidan's 3 As.

Perawelly P. 1 Ganwasam to Putalam—12 to Kandy.

Kirimetita Maytiya P.—5 Gan Wasam to Kandy.

Karambe P.—5 Gan Wasam to Kandy.

අනොලොන්දව මුන්නේස්සරම ද සහ පුත්තලම දිසාවද, සත්කෝරලේ මහදිසාව ද.

OF THE SPECIES OF LANDS

The Singalese Word *Gama* properly signifies Village, but in the Kandyan Country is also frequently applied to a single Estate or a single Field, the latter is often called Panguwa or Share.

Villages properly so called are of the following Kinds:—

Gabada Gama.—A Royal Village. It may be generally described as containing Muttettu Lands, which the Inhabitants cultivate gratuitously and entirely for the Benefit of the Crown, and other Lands which the Inhabitants possess in Consideration of their cultivating the Muttettu and rendering certain other Services to the Crown.

Wihara Gama.—A Village belonging to a Temple of Buddha.

*Dewale Gama.—A Village belonging to a Temple of some Heathen Deity.

Vidana Gama.—A Village under the Orders of a Vidan and containing usually People of low Cast† liable to Public Services.

‡Ninda Gama.—A Village which for the time being is the entire Property.....of the Grantee or Temporary Chief. When definitely granted by the King with Sannas, it becomes Parveny. It generally contains a Muttettu Field, which the Inhabitants, in Consideration of their Lands cultivate, gratuitously for the Benefit of the Grantee, and besides are liable to the Performance of certain other Services for him.§

Gallat gama.—A Species of Village in the lower part of the 4 K., the 3 K. and a Part of Saffragam, much in the Nature of a Ninda Village, and sometimes bearing that Name.

Other Villages and Lands, which it is unnecessary to specify here, are denominated from the Department to which they belong as Kuruwe Gama or Panguwa, Multenge Gama or Panguwa, Atapattu Gama or Panguwa.

Keta is a Royal Field or Land sown on account of the Crown. In Royal Villages it is the same as Muttettu.

Parveny Land is that which is the private Property of an Individual—properly Land long possessed by his Family, but so called also, if recently acquired in fee Simple.

All Lands in the Kandyan Country being subject to Service, the distinction of Service Parveny is little known.

Muttettu Land, is that Field which is sown on account of the King or other Proprietor, temporary Grantee, or Chief of a Village, as distinguished from the Fields of the other Inhabitants of the Village, who are liable to perform Services or to render Dues.

Muttettu Land is of two Kinds: viz.

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* Page 118 † *Sic.*

‡ Page 116 § See note page 102

1st. Ninda Muttettu, which is sown entirely and gratuitously for the Benefit of the Proprietor, Grantee or Chief, by other Persons, in Consideration of the Lands which they possess.

2d. Anda Muttettu, which is sown by anyone without Obligation, on the usual condition of giving Half the Crop to the Proprietor.

Nila Panguwa is the Land possessed on Condition of cultivating the Muttettu or performing other Menial Service or both, for the Proprietor, Grantee or Chief of a Village. The Possessor of such Land is called Nilakaraya. In some instances he is the Proprietor, and cannot be displaced so long as he performs the Service; in others, a Tenant at will and removeable at Pleasure.

Aswedduma or Dalupata is Land lately brought into Cultivation as a Paddy Field or more recently than the original Field. In most Instances the Aswedduma of one Person is of very inconsiderable Extent.

In the Royal Villages and the Vidane Villages, and in some other Instances, in the Upper Districts, the Possessors of them perform some King's Service, but not so much as the Proprietors of original Lands.

If cultivated by a Stranger from the Estate of another, particularly in the Disavonies, he pays by Agreement to the Proprietor a small annual Sum, and besides assists him in Country Work, and attends him on a Journey, receiving Victuals. Unless inscribed, as rarely happens, in the Lekam Mitiya, he performs no Public Service for it.

If cultivated by the Proprietor preferring Service, he is liable to no Extra Service for it.

Pidawilla—is Land offered by Individuals to Temples, and there are many of this Description in all Parts of the Country. They are usually Aswedduma of small Extent, more rarely small Portions of the Original Service Land.

It is held, that in the Upper Districts, they should not be properly offered without the King's Permission but was sometimes done only with Leave of the Chief. In the Disavonies, they are usually offered with the Consent of the Disave, but sometimes without it, if of Trifling Extent, As no King's Service or Revenues are diminished by the Act, the King's Sanction was deemed less important.

Purappadu Land—is Land Vacant or without Owner. Land becomes Purappadu either by failure of Heirs, or by Abandonment, or by Forfeiture, but if taken to the Crown as usual, in the latter Case, it is called Gabadagama.

Anda Land—is that which is delivered by the Proprietor to another, to cultivate on Condition of delivering to him Half the Crop as Rent. This is the usual condition on which fertile Fields are annually lett.*

Otu—is of 3 Kinds:

1st. A Portion of the Crop equal to the Extent sown, or to One and a Half or double the Extent sown in some Paddy Fields or Chenas. It is the usual Share paid to the Proprietor by the Cultivator from Fields which are barren or difficult of Protection from Wild Animals, particularly in the 7 K.,.....Saffragam, Hewahete, and some Chenas in Harispattu.

.....Royal Villages in the 7 K. are Lands paying Otu to the Crown.

2ndly: The Share of ⅓ paid from a Field of tolerable Fertility, Or from a good chena sown with Paddy.

3rdly: The share, which the Proprietor of a Chena sown by another with Fine Grains cuts first from the ripe Crop being one large Basket full, or a Man's Burden.

Hena, or as it is commonly called Chena, is high Jungle Ground, in which the Jungle is cut and burnt for Manure after intervals of 5 to 14 Years, and the Paddy called Elwi or Fine Grains or Cotton, and sometimes roots, and other Vegetables are cultivated. After 2 or at the most, 3 Crops. it is abandoned till the Jungle grows again.†

Of Kandyan Punishments

Executions

It is said that in former times, the fields of Bogambera near Kandy was a customary place of Execution, but it had not been used as such during many years, till the female relations of certain Chiefs were drowned in the Lake in 1814—and Criminals were put to death near their different places of confinement or elsewhere as the occasion seemed to render advisable but during the reign of the deposed King, the Executions, which were numerous, commonly took place in a field three miles West of Kandy near the Bank of the river and the Ferry of Gannorua.

Principal Chiefs and persons of noble families were decapitated with a sword.

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* *Sic.*

†Page 99

Headmen, and other persons of middling or low rank were sometimes, for the sake of public notoriety first whipped through the streets of Kandy preceded by a Tom-Tom, with a chaplet of flowers in their heads, and their bodies whitened with lime. They have occasionally expired under the punishment, and were dragged away lifeless—if not, they were led to the place of Execution and put to death on the ground by a spear thrust through the back, and the bodies were afterwards impaled near the spot as an example of terror (Kodituakku people of uwah† prepare and carry the Ula or Spike, to the place of Execution—Kodituakku Lekam People fix it a Waduwa* and strikes a wooden peg into the cross stick.

Other Offenders and principally those of low degree after suffering death in the same manner are sometimes hanged by the neck on a tree. This is a mode of exposure esteemed disgraceful to people of Rank. The Bodies of persons suffering capital punishment are always left unburied.†

The Executing of Criminals by means of Elephants, is said to have been practised formerly, but not of late years. The last instance which occurred was in the reign of King Keertisree about 70 years ago.

The execution of innocent wives and children for the crime of the Traitor, and torture previous to death, were acts of barbarity wantonly inflicted by an enraged and sanguinary Tyrant, and for the honour of human nature, have scarcely a precident† in Kandyan History.

Maiming

There are five or Six instances in which Amputation was inflicted for offences, viz., of the hand or lower part of the arm, for robbing the Treasury, for Killing Cattle, for removing a Sequestration—and of finger, for striking a *Chief*, and for striking a Priest, and it seems to have been the object of it, to punish the limb which committed the deed.

No instances have occurred within the last 40 years except the amputation of the Ears and Noses of some followers of Mooddoo Sawmy in the war of 1803 and the infliction of the well known barbarity upon the traders of the Maratime† Provinces in October, 1814.

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* *Note.*—In all the instances of criminals being hanged, they were first killed by having a Hulla thrust through the back, and then hung up by the neck, as an Example —and they are impaled with the same view. Impaling is rather more disgraceful than hanging. The Kattadiya, the four Malays, Udupihilla, the two Halangodas, Aliyar, Koragoda Aratchy, were all killed by stabbing before their bodies were hanged.

† *Sic.*

Corporal Punishment

The punishment next in severity to the two foregoing or perhaps to death, is whipping through the streets of Kandy in the manner above described, followed by immediate deportation to one of the appointed distant villages (hereafter mentioned) in some of which, Death often ensues from the insalubrity of the climate. It has usually been inflicted for crimes against the state, Homicides, and atrocious robberies.

All the punishments above mentioned can be awarded by no authority inferior to that of the King.

Punishment can be inflicted with the cane only by order of the King, or of the Adigars, and is esteemed next in severity, and is awarded for Robberies, and many minor offences which came under cognizance of the Adigars. The Criminal is laid with his face on the ground, and his arm and legs being confined by the men treading upon them, the punishment is inflicted on the shoulders and back, by one or two Katubulle people. Punishment is inflicted with rods called ipal by authority of any Kandyan Chief in Office, chiefly upon persons of low Caste, but sometimes upon Wellales of no rank, for greater offences, the culprit being laid on the ground in the manner above described.

People of very low Caste, and Slaves are sometimes punished with the same instrument, being bound to a post or tree which is considered as a more disgraceful situation. The slightest punishment is inflicted on the back with the open hand by authority of the Superior Chief, or most of the Provincial Headmen, the Offenders being laid on the ground—or in the most trifling cases, standing, with his arms held extended on either side—Corporal punishment was occasionally inflicted on Kandyan Chiefs and persons of rank under the King's special order in his presence, in the instances known it was chiefly for acts of incontinence and refractory conduct. Also upon principal people belonging to his Court or Household, over whom as before stated the Kandyan Chiefs can exercise no such power. The Rule observed in such cases being this, that they are punished respectively at their own Murapola or station within the Palace, and by persons of their Department and similar rank. When Corporal punishment is awarded by the King against common Criminals, the Chiefs present at the sentence proceed and see it carried into effect, in the Court or street without the Palace, and hence the Severity is in some measure discretionary with the Adikar or other Chief first in rank. When Corporal punishment is awarded by any of the Chiefs, it is inflicted also in the presence of him who orders

it—the number of strokes or lashes, it is never customary to fix by sentence. The King, or Chief, or Headman (as the case may be) being present, directs the punishment to cease, when he judges it to be sufficient.

Fines

Fines, it has already been remarked, are the perquisite of the Chief who levies them, and the amount of them was much larger in the Dessavonies,* than in the Districts near Kandy, where the people had still less idea of trade, and less means of raising money from the produce of their small Estate.

The Superior Chiefs usually recover their fines by imprisonment. The Principal Headmen by placing in Welekma, which in some cases amounts to an absolute punishment, or rather a torture to compel payment. The Culprit is delivered to the charge of one or more persons, and seated on the ground with his head uncovered exposed to the sun, and thus detained till he makes satisfaction. Sometimes to increase the inconvenience of his situation, a heavy stone is laid upon his shoulder, which he is obliged to hold with both hands, and is allowed only to shift from one side to the other, but does not throw off for fear of immediate corporal chastisement. The fatigue and pain of the situation soon compel him to submit, and to send for the money, or a pledge, if he has it—or induce a relation or friend or inferior Headmen to become security and obtain his release. The Latter mode of extorting payment (by loading with a stone) is adopted only towards refractory persons, who refuse to comply with the sentence, show contempt of authority or have before deceived, or for whom on account of their character no one only will readily undertake to answer. It is scarcely acknowledged by the superior Kandyan Chiefs to be strictly legal, though it is certainly a custom of some antiquity, and was practised and tolerated in the country till the dissolution of the Kandyan Government. It has also, I understand, been employed, but in rare instances, to enforce payment of Revenues.

If a person be confined for any of the minor offences, he is rarely released without payment of a fine.

The Kandyan Chiefs are sometimes fined by the King in sums varying from 20 to 100 Ridi, principally for neglect of duty, and attendances or offences against form and decorum. In such cases, the Chief

* *Sic.*

is delivered into the custody of the Adikar or in his absence, to the officer next in Rank, and forbidden to leave the Palace till the fine is paid and here a singular courtesy is observed. The Adikar immediately sends for the money from his own house—and paying the Fine into the Treasury reports it, and obtain the discharge of the Chief who repays the amount afterwards to the Adikar at his convenience and leasure.*

Of Imprisonment and Prisons

Every prisoner as soon as the order is communicated, is deprived of his cap, handkerchief, or Cloth, which he wears on his head, and cannot resume it till he is set at liberty.

For slight offences, persons are frequently allowed to remain prisoners at large, without a covering on their head* which is the distinctive mark of their situation. When offenders are imprisoned under sentence, the term of imprisonment is never fixed—this depends on the subsequent pleasure of the Judge, and except it be under the King's authority it will in most instances be of no long duration, if a suitable Fee or fine be offered for discharge. Prisoners are confined by the Chiefs either in the Maha Hiragey (the Great Gaol of Kandy) or at their own houses, sometimes by Dessaves* or Rattamahatmeyo* in the Kadawat of their Dessavonies* or Districts, and they are detained either in chains or in the stocks, or without coercion, according to their supposed criminality or atrocious character.

The Maha Hiragey was in the Town of Kandy and was in itself a place of no great security. It was under the controul (as above mentioned) of the Adigars and Hiragey Kankans and guarded by the people of low caste called Rakawallo. It was esteemed a more rigorous and disgraceful place of confinement than the House of the Chief, because it was a general and indiscriminate prison, because the prisoners were subject to daily labour in the Streets and to various exactions from the guards to escape this and other severities, and to payment of a fixed fee of 1 Ridi and 14 pice upon entrance and 2 Ridi 12 pice upon discharge. But persons belonging to the Royal and Temple Villages and to the King's Household were specially exempted from the prison charges.

The prisoners received no subsistence whatever from the Government, but were supplied with provisions by their relations. It sometimes happened that they were left destitute and in that case were allowed to go in custody along the streets, and obtain food by begging.

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* *Sic.*

It has already been stated that prisoners are confined in the Katubulle villages, and in certain other Prisons in the country only by the King's authority. Superior Chiefs and persons of high rank are never confined in the Maha Hiragey.

In the cases of severe displeasure, they are sometimes degraded by permanent expulsion from Court, and without imprisonment directed to perform ordinary public service in the country.

For neglect of duty and misdemeanors, they are sometimes temporary forbidden the Court, and remain a few days under disgrace in their houses, till recalled. Sometimes they are divested of their Caps, and Jackets, and sent as prisoners for a few days to their houses in Kandy, or to their villages in the country. For similar venial offences as well as for those of a more serious nature, all superior Chiefs, persons of high rank and family, the principal Wanniyas and principal Mohottales of the Dessavonies are frequently committed to the Katubulle villages near Kandy. In all these cases of imprisonment, they are obliged to wear dark blue or black Cloths, and to sleep on the floor.

Persons of all descriptions for offences against the State, and common Criminals sometimes after receiving corporal punishment through the Streets of Kandy are occasionally imprisoned in one of the following established places in the country:—

In the 7 Korles.—Kirinde, Kadawetta, and Waduragala Kadawata.
In Uwa.—Badulla and Buttela.
In Matele.—Polkiriyawe, Laggala and Etangwala.
In Walapaney.—Madulla, Telipehe, and Danagomuwa.
In Bintenne.—Karooppe, Handaganawa.
In Dumbera.—Hanwelle, Kehelelle.
In Hewahetta.—Hangaranketa.

They are delivered to the custody of certain Inhabitants of these villages, who are obliged to supply them gratuitously with provisions, but often do it scantly—and they are treated with more or less severity according to the orders received, and according to their behaviour.

Telipehe, Danagomuwa, Kehelelle, Bintenne, Laggala, Etangwela, Boottela, are noted for the insalubrity of their Climate, and often prove fatal to the natives of the hilly country if confined there long. They are selected as places of imprisonment both on account of the remoteness of their situation, and frequently with the view of consigning the culprit to a lingering death.

Cutting off the Hair

Another mode of punishment, which consists in the disgrace is the cutting off the hair, and principally by masters upon their slaves for various faults.

The offences for which it has been awarded against others (and it was more rare in the case of men than of women) are chiefly those of incontinence, and other delinquencies connected with the Court, and the assumption of honours and apparel by any persons, above their proper rank. It is held that the King alone can sentence free persons to this punishment. In the Dessavonies, the principal Mohottales and Koralles have sometimes treated in the same manner (and it has never, I believe been noticed as exceeding their authority) Individuals of low caste who by custom are not entitled to wear any long hair, and who have improperly assumed that previlege.*

It is a customary, legal, (and it may be added) an appropriate penalty inflicted by the husband on an adulterer detected in his house.

Consignment to Rhodiyas

There is still one species of punishment said to be sanctioned by ancient customs which can be inflicted only by the King's orders viz.— the consignment of persons of superior caste to the caste of Rhodias, who are in general estimation the vilest and most despised of the human race. The infamy of such a punishment cannot be equalled, and of course never be retrived.* It was awarded only for the most atrocious offences, and no more than two instances are known to have occurred in modern times.

Punishment of Women

Females are treated for the most part with the indulgence due to their sex, they are not punished by the Chiefs either corporally or by fine, nor by imprisonment, excepting rarely in the first mode, women of very low caste and slaves and excepting women of the Royal villages, who are corporally punished in the slightest manner by Authority of Gabeda Nileme, if the rice for the King's table be noticed as not properly cleaned and prepared.

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* *Sic.*

In other cases if the complaint be not important, women are sent for by the Chief and reproved with their male relations, who are sometimes imprisoned and fined on their account. If charged with serious offences, they are brought under the King's cognizance.

The instances of Capital punishment inflicted on women are rare, and these have generally been executed by drowning except in the case of a Caffree woman, who for murder (and it is said also for eating human flesh) was whipped and dragged through the streets, at Hanguranketa and died under the punishment.

For atrocious offences not considered deserving of death, they are whipped with rods at the Maha Gabedawe, or through the streets of Kandy, carrying a basket of sand upon the head—and sometimes are punished by cutting off their hair, which is a signal disgrace—after the punishment they are either discharged or sent to the Granary of the Royal village Gampola, and compelled to work in confinement receiving allowances of paddy—They are sometimes released after a time at the intercession of their relations, and sometimes remain there for life—During inquiry, they are detained at the Maha Gabedawe, but never in the Maha Hiragey, or in the houses of the Chief.

Deeds and Transfers*

Transfers, Donations, or Bequests of Land are revokable† at pleasure, during the life of the proprietor who alienates it. It is held, that any Land Proprietor who has definitely sold his land, may resume it at any time during his life, paying the amount which he received, and the value of any improvement, but his Heir is excluded from this Liberty. The reason of this custom is the respect and attachment which belong to ancient family—Rank and Family Estates—and the importance ascribed to the preservation, as it is called, of *Name and Estate* Nama Gama—The name by which any person of Rank is distinguished and generally known, being that of the village in which his ancient or principal Estates are situated, as Pileme Talauwe Adikar, from his ancient village in Yattinuwera—Eyhelepola Adikar, and Ratwatte Dessave from their respective villages in Matele, Molligoda Adikar from his village in the Four Korles.

Donations of Land are made either by oral declaration or by writing—and oral Gifts if clearly and satisfactorily proved, are held to

* Note page 65.

† *Sic.*

be of equal validity with written ones—The Proprietor has full power to dispose of his whole Landed or other Property to his adopted son, or even to a stranger, in exclusion of his own Children, but rarely does so without just cause. It had been alleged (I understand) by some Chiefs, that a written deed is absolutely necessary to entitle the adopted son or stranger, and disinherit the legal Heirs—but I conceive from the decisions which have taken place establishing the validity of verbal Gifts in favour of the wife or one of the Children, that this opinion referred rather to the necessity of full and incontrovertible Proof of the fact, which after lapse of time would otherwise be uncertain and difficult, than to any virtue in the writing—for upon minute inquiry I find it generally admitted that such an oral Donation to any one proved recently after it took place, by respectable and undoubted witnesses, must be held valid.—

The disinherison* of the legal Heir, (unless remotely connected) with the motive for it, is usually and ought in propriety to be specified, whether it be a written or oral will—And if the legal Heir be a son or daughter or near relation, naturally dependant on the Testator, the omission will scarcely take place—for it is held incumbent on the intended heir and the witnesses to suggest their situation to his Notice.—

When a Land proprietor is become old and infirm, and has no near relations, or none who look after him, it is a common practice for him to transfer his lands to another, frequently a Relation on condition of receiving support and assistance till death—In this case the latter sends one or more servants to wait upon and administer to him and supplies provision and medicines, according to his ability, the condition of the party, and the value of the Land—If the owner (for he must be called so still) be dissatisfied with the assistance afforded, he can at any time revoke the gift, as well by virtue of the Rule above stated, as because it is conditional, and make over his property to another person, who thereupon reimburses the first acceptor for expenses incurred—This change of possession is not unfrequent, and there have been instances of five of six successive resumptions, and new assignments by the same capricious Proprietor—It follows from the foregoing that the last bequest or transfer of property supercedes all which may have preceded—All Deeds executed in the Kandyan country (except occasionally amongst strangers who have adopted foreign customs) whether for the alienation of land or moveable property, are not properly vouchers, but mere written Records of the transaction, being

* *Sic.*

signed neither by the parties, the writer, or the witnesses—In other respects, they are in the nature and bear the tenor of regular vouchers reciting the contracting Parties, the amount or object, the condition of transfer, payment and interest, and specifying the names of the witnesses and sometimes that of the writer, and the date.—

In written conveyances of Land, it is customary to add, according to an ancient form and still prevailing superstition, that judgment or curse will befal* all other Claimants,*—who may disturb, but not the person entitled under this ola, in the event of swearing the 5 or 7 Oaths.—

Deeds are usually attested by five witnesses, and frequently by more, if the property transferred be considerable—but three at the least are deemed requisite—otherwise the Deed, though not at once set aside, is held questionable, and satisfactory explanation is required why more were not called—The names of Witnesses absent at the time of writing are sometimes inserted in the Deed, and it is considered as sufficient if it be read to them, shortly after, in presence of the parties, or of him who executes it.—

When a man's last hour approaches and for want of a writer the time will admit of doing no more, he sometimes writes a single letter, or makes a scratch on a blank ola, at the same time verbally declaring his will—In such case the Deed may be written in his name immediately after his decease, and the names of those who were present at the transaction being subjoined as witnesses, it is held to be of equal validity.—

Debts and Contracts†

As Trade was unknown to the greater part of the Kandyan nation, their contracts were neither numerous nor varied, and consisted chiefly in the borrowing of money or grain for present necessity, the former to pay fees or fines to their Chiefs, or (by the Chiefs) to satisfy similar demands from the King—the latter for sowing and for subsistence—If the amount borrowed be large, writings are usually executed, with mortgage of Land or moveable property—If small, some article of property is delivered in pawn with or without writing, except in transaction between individuals, who have such confidence in each other as to land *{lend} without either—If money be lent, on personal security,

* *Sic.*

† Page 128.

or if security be afterwards given (which is a more frequent practice) when the debtor is pressed for payment, it is usually upon one of the following conditions.

1st. To be answerable for the Debt in case the Debtor should die or abscond, within a fixed period.—

2ndly. To be answerable for it, in case the debtor should fail to pay within a fixed period.—

In the first case, the security has only to produce the body of the debtor, and deliver him to the creditor, at the end of the appointed term—In the second—the creditor demands his money of the security without having recourse to the original debtor, or first distraining his property, and the security seeks his remedy from the Debtor. Money is usually borrowed upon one or other of the following conditions—1st. Upon mortgage of Land, stipulating that it shall become the entire property of the Creditor, if the money be not paid within a specified period, the Land being possessed by the latter, to enjoy the produce in lieu of interest—2nd. Upon mortgage of Lands, generally without such stipulation, the land being possessed for Interest by the Creditor—3rd. Upon mortgage of Land, delivering possession to the Creditor to enjoy not only on account of Interest but on condition that one or more Ridi of the principal sum borrowed shall be discounted every year—till the whole be paid—and the usual rate is one Ridi for every palah of Land—4th. Upon mortgage of Land without delivering possession, but delivering the Title Deed, on condition that it shall become the certain property of the Creditor, if the debt be not satisfied within a fixed period—5th. Upon mortgage of Land without delivering possession, and stipulating to pay a portion of the annual produce in lieu of Interest—6th. Without any mortgage stipulating to pay annually a certain quantity of paddy in lieu of Interest—And in the two last cases, it is most frequently be a condition, that one or more Ridi of the principal shall also be annually liquidated—If no land be delivered into possession, nor share of produce assigned, payment of Interest in money is stipulated according to one of the following modes.—

1st: An increase of 100 per cent, usually in Kandy, and if 50 per cent in the Country, takes place, if the principal be not paid within
Pollee the year, otherwise no Interest is charged, and tho' payment be protracted for any indifinite* term, beyond the year, the interest does not increase.

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* *Sic.*

2d: A certain rate of interest is stipulated to be paid per month or per annum—and whatever amount may accumulate, it admits of no limitation—The rate of interest long sanctioned in Kandy by the example of the Royal Treasury, from which it was frequently lent to traders, was 20 per cent per annum—but as no prohibition existed, the monied men who were few and consisted chiefly of Malabars and Moormen, often exacted 3, 4, 6 and latterly even 8 pice per month for each Portonova Pagoda—This having been brought to the King's notice about ten years before the Establishment of British Government, the rate was limited by his order to 2 per cent per month for each Portonova Pagoda, which was then equivalent to 10 Ridi—But this regulation is not considered to have effected the interest stipulated to be paid according to the first mode.—

Adayam

Money was usually borrowed according to the former condition by persons in distress, or under immediate pressure, and according to the latter, by Traders who were almost exclusively of the two classes just mentioned, vizt., Malabars and Moormen.—

A premium or preliminary present called *Attikarama* was sometimes given for the favour, according to the necessity of the borrower and the regour* of the lender. It usually consisted of Cattle, Paddy, Cloths, or some Gold or silver article, and sometimes stood in the place of Interest,—if the money were repaid within a short stipulated period, but not otherwise.—

It may be observed that the exorbitant rate of interest is at once a proof of the scarcity of floating money in the Country, of the monopoly of trade, and of the oppressive exactions to which the people were subject.

It is a very general practice in the Country to borrow paddy or other Grain for seed and for consumption, payable at the next ensuing Harvest—The established rate of Interest is 50 per cent—and the Creditor often goes or sends his people to the Field to secure payment—If after receiving it on the spot, he at the entreaty of the Debtor, redelivers it, and allow respite till the next season, the whole is considered as principal and 50 per Cent charged upon it the next year—This exaction of compound Interest was at one time forbidden by the King as oppressive to the poor, but of course could be prevented only partially in the practice—If the debt be suffered to outstand without such receipt and delivery, no more Interest is charged, than the original 50 per Cent—In the Seven

* *Sic.*

Korles and Nuwerakalawiya no Interest is charged on paddy, because it is an abundant Article—In Dumberah no Interest is payable on Money or on grain—but in this District it is often customary to receive a surplus of one or two lahas on every pelah of grain, not on account of Interest, but in order to compensate the diminution of quantity by drying—The cause of the exception in Dumberah is not sufficiently explained, but it is said to have been established by a former King's order.—

For loans of paddy also, the borrower is sometimes, but by no means universally, required to give a premium—The common rate was four pice per pelah, but in times of scarcity, I understand it has risen to 6 and even 8 pice, for seed paddy—In countries where it is customary to charge interest on paddy, the premium occasions no diminution of the Interest—If a debtor dies, the Principal is recoverable from his heirs to the Extent of the assets of the deceased, but not the Interest, whether it be a loan of money or grain—In cases where Land is delivered into the temporary possession of the Creditors, the Mortgager performs the King's Service, to which it is liable.—

The Creditor possess considerable power over his Debtors, but rarely exercises it in a severe degree till after numerous solicitation made in vain for the recovery of his right—For it is customary to make repeated demands, to allow further respite, and again to fix a term accepting Security of Land, or personal securities upon one of the conditions above mentioned, and a new loan is often procured upon mortgage to liquidate former and smaller debts.—

Sometimes on complaint to a Chief for recovery, the Debtor will be summoned, and the claim investigated in regular course—and when after admission, or proof of the debt, payment is directed, and unreasonably delayed, the Chief, on application will sometimes send officers to seize the Debtor's property, and deliver to the Creditor a pledge sufficient to satisfy his demand.—

Public sales of property under execution for debt are entirely unknown—Suits amongst Creditors in cases of insolvency, do not often occur—but it is held that the following simple and equitable Rules should be observed.—

Mortgage property must answer in preference for the debt of the Mortgagee.—

Property fairly obtained into possession, for the debts of the possessor.—

All other property must be shared by the Creditors in proportion to the respective debts, without preference on the ground of priority of origin or priority of decree.—

If the debtor have* no property, the Chief sometimes delivers him to his Creditor, who is thereupon authorised to confine him in his house, and if he cannot obtain satisfaction to employ him as a servant or rather as his slave, treating him as such and supplying him with victuals and clothing—In this case an Olah is frequently written, binding him to serve the Creditor till payment of the debt, or sometimes, but more rarely one of his children is consigned to his service upon the same condition—but frequently without any Judicial process, especially if the debt be notorious, and payment evaded, the creditor obtaining leave from his Chief or Provincial Headman, ploughs the Fields of his Debtor or ties his Cattle, or takes possession of his Cocoanut trees, or seizes his paddy in the threshing floor—any of which or semilar* acts, soon compels him to come forward and make some satisfactory settlement, and if the Creditor be a person of comparative power and influence, he often adopts one of those steps by his own sole authority—This is not held to be strictly legal, but if the demand be admitted, the Debtor will rarely complain—and in the event of his complaint the justice of his claim will be the prominent subject of his enquiry, and unless it prove unfounded, the violent seizure will pass unnoticed, or seldom be noticed beyond reproof.—

It is said that in the distant Provinces powerful Creditors have sometimes seized by force a child or other member of his Debtor's family—This was considered as altogether unjustifiable, but the instances were not unfrequent especially in the Dessavonies, in which the Debtor voluntarily resorted to this mode of relief (as above stated) with intention that the sacrifice should be temporary, but the debt remaining unpaid, the slavery of the consigned person becomes perpetuated—But before he is reduced to this Extremity, the distressed debtor frequently finds the means of satisfying the demand by obtaining the money from a Wihare for charity, from a Dewalle on condition of serving it, from the Royal Treasury by favour, from a compassionate Chief, or from substantial neighbours by begging.—

Two other singular modes to which the Creditor can have recourse, deserve to be mentioned.—

1st: Whenever he meets his Debtor in the street or Road, he stops him abruptly, and drawing a circular line around him on the ground

* *Sic.*

with a stick, or sometimes without this ceremony sits down beside him, and forbids him by the King's command, to move from the spot without paying his money—The Debtor is obliged to sit himself also, and in respect for the King's name, neither can stir, till some other person approaching and interfering, engage to be answerable for the debt, or for the person, in presence of witnesses, to call both before the proper Chief, to have the case investigated and settled—This is called Welekme Damanawa, or placing under inhibition (Dherna).

2ndly: Having tried other moderate means in vain, he sends a slave or servant or other person to go and live at the house of the Debtor, to make constant demands for the money, and to Extort it by importunities and perhaps abuse, or a sick man, to impose additional trouble of attendance and care. The Debtor upon this usually returns him with another messenger of his own, bearing a humble entreaty for further time with assurances of payment, and sometimes obtain a respite—if not, he is obliged to furnish subsistence to the intruder without charging it against the Creditor, and patiently to hear his perpetual solicitations and insults, till he can appease his Creditor, or find the means of satisfying his demand—Or sometimes with the same view of annoyance, the Creditors ties up an old sickly unserviceable bullock, cow, or buffaloe in the Garden, and delivers it to the charge of the Debtor, who is obliged to maintain, and take care of it, to be responsible for its trespasses, and to give an equivalent, perhaps a better head of cattle, or its value if it be lost or die in his keeping.

(Signed) J. D'Oyly,
Rest:

Addenda—Notes, &c.

**Karamaroowa*—lit: Relief or change of shoulders—is a portion of a Moolpanguwa or whole farm, the holder of which according to its relative extent, performs in his turn a due portion of the duty.

**Tattoo Maroowa*—alternation—where an estate is too small to be divided amongst the Heirs, or coparceners,† or where it comprises several field of various degrees of productiveness, the possession is so

* Page 82
† *Sic.*

arranged by compact that each in his turn either enjoys the whole land, or by rotation cultivates the more and the less fertile portions.—

Prohibited Jungle.—The forest of Udawatte Keley near the Palace was strictly interdicted, so that people were not allowed even to gather firewood in it—Hantaane was like wise an interdicted forest, but yet people were permitted to get firewood, withes, &c., from it—The forests belonging to the King in the more distant parts of the Country, were likewise under prohibition, but not so strictly watched, and the Inhabitants of the neighbourhood were at liberty to fell timber in them, but not to clear any part for chena.—27th: October, 1827.

Notes on Sir J. D'Oyly's Exposition of the Law of Deeds and Transfers p. 60 *et infra.* (Sawers' *Digest* p. 19.)

The Assessors unanimously assent to the first position, (p. 60) vizt. that Transfers, Donations or Bequests of Land are revokable at pleasure during the life time of the person who alienates the same—but the Assessors unanimously deny that a definite sale of Land was revokable in the life time of the seller, at his pleasure—The Chiefs say it was not without precedent, for bargains of this kind to be broken and annulled even years after the Land had been sold, but it was not done as a matter of course, justified by Law or Custom.—

The Assessors say that unconditional Donations of moveable property, such as Cattle, Goods or Money, were not revokable—but conditional Gifts and Bequests of such things were revokable, and especially the latter, for it was exceedingly common for old persons, having no children, to take up their residence in their old age with relations or strangers, in whose favour they in the first instance executed a deed of Gift or Bequest, transferring the whole of the Donor's property to the Donee for the sake of assistance and support— but if frequently happened that the Donor was a person of capricious mind or violent temper, and upon any slight occasion would remove to another house and execute a similar Deed, and thus numerous claims to his property after his death would be made upon Deeds of the same import, and of apparently equal validity—In such cases the Judge always decided in favour of the person under whose care the deceased had died, however short the period might have been of his residence at that house—but another person who had rendered the deceased assistance and support for any length of time, and had been put to expense thereby, would have

a right to compensation out of the deceased property even before the death of the deceased, such compensation might be demanded and recovered.

That the person rendering the last assistance and support to the deceased would have a preferable right to his property, to that of a person holding a Deed of Bequest whose house he had quitted, or whose services he had rejected, from dissatisfaction with the treatment he had received—but it must be clearly proved that it was the intention of the deceased that the person rendering him assistance in his last moments, was to be his Heir—otherwise the person rendering the last duties to the deceased would only be entitled to be rewarded for his or her services, out of the deceased's property, while the bulk of the property would go to the Heir at Law—and even in the case of the deceased having died from under the immediate care of a person in whose house he had lived or from whom he had received assistance and support down to a period near to that of his death, and that his dying from under the care of this person was accidental, and not by his having voluntarily rejected his assistance and support, such a Benefactor would come in for the property before the Heir at Law—he however being liable to reward the person under whose care the deceased ultimately died, for his or her trouble and expense.

S.S.

*Addition to the Article Ninde gama.**

(Sawers' *Digest* p. 23)

The Ninde proprietor holds his Ninde gama for furnishing certain quota of men, in war, &c.

It is impossible to define all the tenures upon which Lands are held under a Ninde Proprietor, as these are different in every village and as they rise from that of the Ooliyakkareya (whose condition appears to be little better than that of a slave) to that of a person who merely pays homage, by appearing on particular seasons, or at Festivals, with a few betel leaves, which he presents to the Proprietor.—

1. The lowest are those who hold their portions of Land, for what is called Ooliyakkara service, who are generally Padoowas and other low caste people liable to carry the Chief's Palanquin, if he were entitled to use such a conveyance or do any other low or menial service which general custom allows him to have performed for himself or family.—

* Pages 82, 116.

2. The Nilekarayas who have allotted to them, as the condition of possessing their portions of Land, the task of cultivating a certain portion of the Ninde Proprietor's Muttetu Fields or any other defined service which has ever been attached to the service portion of Land which the Nilekareya holds.—

3. The Hewanenneheys, and Pattebendas who are always of the Ratta or the Wellalle caste—their services are various, according to original contract, but they are seldom liable to service of a mean character, and especially in the Nindegam of Four Korles—Their duties are commonly such as accompanying the Proprietors on a journey carrying his Talpot, watching his Field, or keeping watch at his House.

4. The Wattukareyas, who possess Gardens and pay a certain portion of the produce of the garden yearly to the Ninde Proprietor, and are generally liable to be called on to assist the Proprietor, being paid by him or fed, for their labour.—

5. The Asweddumkareyas, who have brought pieces of Waste Land into cultivation on certain conditions, which are so various as not to be defined—If such a holder has paid money for the Asweddumа, he may emancipate himself from the Centroul of the Ninde Proprietor by having his Asweddumа entered in the Lekam Mittiye of any of the Public Departments, as a Service Pangoowa.—

The last are persons who possess lands within the limits of the Village, subject to no service to the Ninde Proprietor beyond that of rendering him the same slight token of homage as Chief of the Village.—

All the above named descriptions of tenants, except the last, may either hold their Lands in perpetuity liable to the Service due to the Ninde Proprietor, or they may hold at the will of the Ninde Proprietor only vizt. All those who held their lands before the Nindegama was granted to the present Proprietor, or who get possession of their service panguwas from the same Authority who originally granted the Village to the Family of the present proprietor, are understood to hold their Lands in perpetuity, and can only be punished for a failure in the performance of the services due for their panguwas—but all those who have received their Service panguwas from the present proprietor, or from his Family subsequent to the Grant being made to him, are understood to hold their panguwas solely at the will of the Ninde Proprietor.

The Ninde Proprietor has both a Civil and a Criminal Jurisdiction over all inferior cases which occur among the people of the Village—but this Jurisdiction is not well defined—it seems to depend upon the

situation of the Proprietor at the time being; if he happened to be a Chief in high Office, he adjudicated all cases short of Capital Crimes—he decided all disputes about the hereditary rights to the service panguwas of the Villages, besides inflicting fines and imprisonment, for the neglect of the services due to himself.—

If the Ninde Proprietor cannot protect his Nilekarayas and others from being called to perform public service in the Rattawassam or Dissawassam Headmen, or if he allows the Nillekarayas and others of his dependents to perform such services, he forfeits his claim as Ninde Proprietor to his own services and dues—Hence the Ninde Proprietor now generally pays the tythe, as the under tenants have in some instances attempted to get rid of their vassalage by paying tythe for their panguwas to Government.—

Lands within the limits of a Ninde village, held and doing suit and service under any public Department, or a Temple, deprives the owner of such Land of the Jurisdiction of the Ninde gama Proprietor—The proprietor of the Ninde village was liable to furnish a certain number of persons for general public Service, and these services his vassals were liable to perform under his orders as their Chief—such as service in war, according to their caste and condition, dragging Timber, making roads &c.

N.B.—It is represented on the part of the Chiefs that the rights of the Ninde Proprietors have been much impaired, by this opinion being generally entertained by the Nillekarayas and Pattabendas of such Estates, but they submit for consideration that as these vassals formerly paid Kathaal to the Crown, which Kathaal was collected by the Ninde proprietor—that the Ninde proprietor should in like manner now be called on by the Revenue Officer or by the other Authorities for any Revenue or General Service due or to be rendered by the people of his Ninde Gama, and that he should be held responsible for the same, while he shall be authorised to exact it from the People—in short, that the Headmen of other Departments shall not immediately interfere with his Vassals, for this is the cause of their disobedience to him.†

(Signed) S.S.

UDAPALATA

The District of Udapalata altho' designated a Dessavony, is not sub-divided into Korles and Pattoos.

† Page 116

The inferior Headmen are:—

1 Liyeneralle (advanced to the rank of Mohottalle in October, 1827).
1 Koralle.
1 Undiyeralle.
1 Arachy over the Ratta Attapattu Arachy Wassam.
1 do. over the Ratta Arachy Wassam.
1 do. Weddikkara do.
1 do. Kotmale do.
1 do. Kodituakku do.
1 do. Attabagey do.
1 do. Palle Gamhaye do.
1 do. Uda Gamhaye do.
1 do. Padikara do. and
1 do. Gampola Atapattu do.

Of these Headmen, the first three levy and deliver the four Dues of the Gabedawe—(Gabedawe Hatera pantiye Rajakariya).

When the King visits the Province, or on any important occurrence, they regulate the performance of all duties.—

The service allotted to the People of the Ratta Attapattu Arachy Wassam is that of keeping watch at the Dessave's residence and of going on Missions of importance—

The service of the Ratte Aratchy Wassam—is carrying banners on the King's journey and at the four great Festivals—keeping watch at the Dessave's residence, and performing other services occasionally.

The Wedikkara, Kotmale, and Kodituakku Arachy Wassams—proceed in the van of the procession on the King's journey with flags and banners — they keep watch at the Wallauwa and do all other services allotted to them.

The Attabagey, Palleygamhaya, Udagamhaya, Padikara, and Gampola Atapattu—serve at the Dessave's Residence and perform the Ela Aloowam service for Gampola, and put in order as occasion requires, the water course for Elpitiya—The Uda Gam haya and Palley gam haya, besides the aforesaid duties, are also bound to smooth the ploughed soil of two of the Royal fields in the valley of Gampola, and sow the same.—

POPULATION

Ratta Atapattu Aratchy Wassam	10	Appoos and			1	Saramaroo pangoo
Ratta Aratchy Wassam ...	26	do.	2	vacant	4	Saramaroo
Kotmale Aratchy Wassam ...	16	Hewanennehe	1	do.	6	do.
Wedikkara Aratchy Wassam ...	16	People	6	do.	6	do.

Kodituakka Aratchy Wassam ...	12 People	1 vacant	7 Saramaroo
Attabaagey Aratchy Wassam ...	8 Hewayo	5 do.	2 do.
Palley Gamhaya Aratchy Wassam	20 People	7 do.	5 do.
Uda Gamhaya Aratchy Wassam	18 do.	14 do.	
Paddikara Aratchy Wassam ...	16 do.	8 do.	
Gampola Atapattu Aratchy Wassam	7 do.	6 do.	7 do.
Total Number ...	140*People	52*vacant	39 *Saramaroo pangoo

The fine grains, Sesamum or Gingely, Moong or Green Gram, Meneri, Tana, Kurakkan, Undu, Kolloo, and Cotton, &c., are not cultivated in this District.—

On the high grounds are carried on the culture of Rattala, Sweet Potatoes, Kandala, Dehi ala, &c., &c.

And in paddy fields, paddy of various Kinds.

The People of Kahata dena, Koorampitiya, Mahara, and Ingooroowatte were attached to the Service of the Multengey.—

Those of Uduwaka, Dimbula, Gewana Mure, Meda Mura, Pasbaagey, and Kehelgomoowa, were allotted to Ulopoen Gey.—

The Patti Vidahn Peroowe was allotted to the Kuttaha and the Kunam* madoowe Services.—

The two Pannel Gam of Kotmale were allotted to the Atapattu Koroowe.—

The people of Udaponey and Palleyponey in Kotmale belong to Kodituakku Lekam Department.—

The Blacksmiths of Nawamgama, Puhulpitiya, and Godagoma were attached to the Kottalbadde.—

The Rattawassam people of the 4 divisions or Peroowe of Kotmale, had to clear and keep in order the Water courses of Gampola and Narangwitta.—

The Village Pussellawa is allotted to the Katupulle.—

The Dada Waeddo or Huntsmen of the Villages Panangammena and Ambakumbure, serve under the Gabedawe.—

The Village Ulapaney belongs to the Maha Dewalle—and Keeraponey to the Kattregam Dewalle.—

* *Sic.*

Mullgama, Pupuresse and Toompaelawaka, which formerly made an Aratchy Wassam, has been appropriated to the Mampitiya Family.—

Deltotta and Nillambe belong to the Palle wahala.

Kowdoopittiya belong to the Rankadoo Pattela or Forge of the Golden Sword.—

Pillivela and Mawature belong to the Hunu badde.—

The Tattawassam people of Bulatgama had the service of embanking the Water course of Gampola allotted them.—

Madagemmedde and Koodemaake form a Muhandiram Wassam of the Nanayakkara Lekam.—

Karandungoda being appropriated to the Mampitiye* family, ten individuals have thereby being abstracted from the Dessavony Service.—

Dolosbage forms a Muhandiram Wassam in the Padikara Lekam Dept.

Unanduwe and Kahatapitiye, from anient* times belonged to the Dessavony—but six persons have been detached from that service and allotted to the Wahalkada.

Specific Service

The people of the Kottal badde, Badahala Badde, Rada Badde, and Hunu Badde, perform the duties proper to their respective Department.—

Fees for Appointments to Office

The three Ratta appointments, comprehending the Ratta Attapattu, the ten Arachy Wassam, the ten appointments of Dureya and Hoolawaliya, and that of Kankanam, fetch a total of 123 Ridies* in the shape of Bulattoo-wolooe, besides this the only sources of established income to the Walauwe, are the Festivals and the Mura, every absentee paying one Massa for each Mura—and half a Massa for each Mangalla or Festival.

The services immediately rendered to the Dessave according to the old established custom—The Ratta Atapattu people and those of five Aratchy Wassam keep watch at the Dessave's Residence, but are exempt from all laborious work, ouliam.—

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* *Sic.*

The people of Attabagey Aratchy Wassam, and those of the 5 Aratchy Wassam of Gampola not only keep watch at the Dessave's residence, but perform every description of work allotted to them.—

The cleansing and repairing of the road when the Dessave travels in the Province, and when he rides on an Elephant, a horse, or in an Andoroo Palanquin, to follow him, with Rittili, Bows, Firearms අවි &c. and with Anwatoo, Fans, and Torches, are Services incumbent on the Dissavony people.—

On such occasions of pompous travelling, the people of the Vidahne villages are also obliged to perform the following services to the Dessave.—

The people of Mahara and Niyangama do all the offices in the Kitchen—Those of Attabagey Vidahne Gama carry his chest of clothing—those of Berewa Gannaweya bear his Andoroo—The Vidahne Gam people must also have pingos of Cocoanuts and sweet toddy kept at the Rooppes within the Province—Having the Tanayama or Lodge hung with white cloths, cloths spread for the Dessave to walk upon, and pots of flowers placed—also the wearing of gold embroidered cloth, Jackets of embroidered stuff, and a three corned* cap embroidered with gold, &c., are honours and privileges conceded from Antient* times.—

The perquisites and honours attached to the three principal Paniwidas or subaltern Offices, and other petty offices are as follows.

Of the four services due to the Royal Stores by the three first subaltern Headmen, at the four Festivals, with the exception of the Kathaal, there are three Ridies at each Pantiya or period (of the Festivals) declined or exempted on account of the other three Pantiya—Three persons of the Ratta Atapattu Aratchy Wassam during the term of Mura duty at the Wallauwe are exempted on account of the said three principal petty offices.—

The Aratchys over the Ratta Aratchy Wassam and five other Aratchy Wassams have their own pangoos and two other Pangoos exempted from ordinary service.—

The Aratchys of the Kotmale Aratchy Wassam and four other Aratchy Wassams have their respective Pangoos with three other Pangoos exempted for each.—

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* *Sic.*

On the appointment of a chief to the Dessavony, the Chief personally presents them with baskets of betel leaves—They are also permitted to sit on mats spread on the planks in the Atapattu Madoowa of the Walauwa—When travelling in the Country on public service, they are furnished with cots, common chairs, and victuals—When travelling, they are allowed to be followed by persons carrying Mats and Pillows, Rugs, Talipots, Anwatto, &c.—Their Authority is effective only a twelve month.—

The Gabedagam are 1 Gampola, 2 Narangwitta, 3 Elpitiya, and 4 Maawela.—

The Dewalles and Wihares are, Ganegoda, Wallahagoda, and Morape Dewalles—these have the distinction of celebrating the Perahera—and from antient* times have been under the control and superintendence of the Dessave.—

Kehelgomuwa, Pattinipitiya, Bouwagama, Rambukpitiya, Puswelikanda, Hatbeywa, Wattaddora and Muwatura—These are Kowils, the first mentioned being the principal and the rest its attachments.—

Aaragoda, a Pattini Dewalle.

Kaloogamuwa belongs to the Maligawa.

The Wiharegam under the control or rather annexed to the Padawiya or See—that is the presentation of the livings or incumbrances whereof is vested in the Chief Priest for the time being are Hindagala, Godawela, Kirinde, Dimbula and Puhalpitiya of the Malwatte Establishment—and Ingooroowatte and Niyangampaye of the Asgiriya Establishment.—

Dissavony Villages

The Moormen holding Dessavony Lands in this Province are of course subject to Dessavony Service—and such of them as possess Wihare, Dewalle and Gabedagam Lands, perform their allotted Service under the respective Departments.—

The Clothing of Persons of Inferior Caste

With the exception of full painted cloths, Kawany, Sooroottoo, Gold embroidered and other valuable cloths, they are allowed to wear black or rather blue Kindengy or Checqued cloths, red Kinnengy,

* *Sic.*

Kangam, and other cloths of inferior sort—and with the exception of Gold, pearls and precious stones and coral, they are allowed to wear other ornaments of copper, brass and bell metal in the shape of Kooroo and poollimal &c.

The duty allotted to the Madigey people of Elpitiya is the transporting of grain &c. from that Royal Village, and also whenever required furnish ropes, packages of Pillow cotton, and Talipots.—

In the event of War, Gunpowder is served out from the Awoodagey or Arms house and the same is carried by the people of the Dewalle Villages—Arms, balls &c. were not allotted from antient* times.

When the Dessave is present on the field of Battle, the people of the class called Ganniley Beenna furnish him with condiments for curry to his rice.

SEPTEMBER 1828

Present—Dehigama Diwenh Nileme Wattarankeme* {Basnayaka} Nileme and Pamoonoowe B.N.

The above Chiefs concur in opinion that the designation Principal Koralles in the 37th clause of the Proclamation of 21st Nov. 1818 is applicable to the Koralles over sub-divisions of the Uda Ratta Districts as to those of the Dessavonies—and also to the Koralles in the Lekamships—That the term *principal* is only used to distinguish Koralles from Atookoralles or Atukorale Atchelas in their respective provinces, but was not meant to be decidedly and peculiarly applicable to Koralles in the Dessavonies only—That the designation of Mohottalle may be understood to apply also to Dessavony Adikarams—and that under the term superior Koralles may be also comprehended Ratteralles, Liyeneralles, Undiyeralles &c. Headmen vested with Authority inferior to that of a Dessave or Ratta Mahatmeya over a whole District or subdivision thereof—That such construction is reasonable and proper, for otherwise that part of the proclamation will not be available in the Dessavonies of Walapaney, Nuwerakalawa and Udapalata, which have no Koralles, and but one Dessavony Mohottale each, nor in Bintenne and Tamankaduwe, which have neither Mohottalles nor Koralles, but Adikarams, Ratteralles, &c.

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* *Sic.*

Acts of Grace

Dehigama D.N. states that on 7th: day after demise of King Rajadhi Raja Singha (which was 5 days after the deposed King's accession to the throne) the Mataka Daanay Mangalla or Festival of Commemoration in honor of the deceased was celebrated in Kandy, and as was invariably the practice on such occasions, all the prisoners in the various places of confinement or banishment within the Kandyan Kingdom were liberated, without exception—The Diwen Nilame states of his own knowledge that amongst those so liberated, that were some who had been convicted of murder, and some of Robbery, and condemned to imprisonment until they made compensation to the Prosecutors—but this act of Grace did not entail on the King the obligation of satisfying the claims of those who had a right to restitution of property from the Convicts.

A similar act of Grace was conceded in the Reign of Rajadhi R.S. on the occasion of Budoo Ress (Meteors seen occasionally to glide through the air, and fancied by the Buddhists to emanate from the sacred Relic in the Maligawa).—

In the reign of the deposed King, Prisoners were so liberated on two occasions—once at the birth of a Prince and again when the King celebrated a grand Pinkam.—

Elephant Slaughter (27th: October 1827)*

In the more distant provinces, Nuwerakalawa, Tamankaduwa, Bintenne &c. where the Authority of Kuruwe Lekam did not prevail, the Wedahs and others killed Elephants whenever they pleased, and either bartered the tusks, or delivered them up to the Chief from whom they usually received some Gift in return—or if the possessor of Elephant tusks had occasion to present a Boulat Soowoloo he gave a pair of tusks in lieu of 100 Ridies, or one in lieu of 50—(the tusks being of proper size of course). In Nuwerakalawe where people are not restrained from killing Elephants, if a stranger killed an elephant he had right of taking away the tusk of the upper jaw, as the carcase lay on the ground, and the other was the perquisite of the villagers in whose neighbourhood the Animal fell. The Chief generally appropriated to his own use all the tusks he had got, but if he had an extraordinary fine and large ones, he sent them as a present to the King—Chiefs also sometimes made offerings of fine tusks to Temples—It was never deemed necessary for a Wihare

* Page 53.

to be furnished with a written license, to be possessed of Elephant's tusks as has been erroneously supposed by some, when several Wihares in the 7 Korles were threatened with being deprived of them unless they could produce such documents—The four Wanniyars of Maagool Korle every year rendered a present of a pair of tusks each, to the Dessave of 7 Korles altho' he were absent from the Province, and in the event of the Dessave visiting the Dessavony, he received a like present from them in addition.—

The Maduwe (4th: March 1829)

King Rajah Singha had a pack of dogs trained for the chase and the place where they were usually lodged near the Palace was called Kookkam Madowa (a dog Kennel) and certain people of Hewahetta were employed to take care of them and to follow the King on his hunting excursions, such duty being made the tenure of their Lands—these individuals were under the immediate control of the Maalugey Maha Kankanan (great steward of the venison room)—The Establishment continued to be maintained throughout the reigns of his successors Wimala Dharma, Kundasalle and Hanguranketa, and for some years after King Keertisree came to the throne, when in consequence of War breaking out with the Dutch, the King formed several companies of Guards, to be in constant attendance about his person and palace—and as they usually mounted guard at the Madapes† or Maduwas (Halls) in the precincts of the Palace, they were designated Madoowe people—These companies were not all composed of the same number of men, for some had 18, and others 24—They at first received Salaries, monthly, but the exigencies of the state not admitting of paid troops being kept up, confiscated and other crown Lands were assigned to them in lieu of pay, to be held only during pleasure, and while the grantee was an efficient Soldier—In some few cases, the zealous services of some of these men, were rewarded by permanent Grant on Sannas of the Lands previously held during pleasure, and those Lands became hereditary in the families of the Grantees, and could only be resumed by default of Maduwe Service, in the same manner as the Parveny Lands in other departments—but the permanent proprietor was liable to all the duties which could be imposed on a temporary tenant. Seven companies were thus formed, one for each Province—and as the Crown lands available for this purpose varied in amount in the different districts, the Companies could not be equalized. In a few instances the proprietors of

† *Sic.*

hereditary Lands belonging to other Departments have voluntarily registered themselves with their lands into the Parena Gankaraperoo—they were likewise acknowledged to be permanent properties—about this period also the King's religious Scruples induced him to forego altogether the amusements of the Chase and he consequently abolished the Kookkam Madoowa and forming the people that belonged to it into a company of Guards, attached them to the Maduwe Corps, which by this accession then consisted of 8 companies—The same King soon after formed four more companies of 24 men each, for the same service, but these being kept in pay were called the Padikaara Peroowa (or stipendiary class) while aforesaid 8 older companies were distinguished by the Title of Gankara Peroowa (or Landed class).

On the cessation of the hostilities the people of the 8 Gankara Companies were permitted to leave the Town if they chose, and to reside in the Country, being liable to do duty as Guards by Mura or turns, each Mura extending 20 days on state occasions, or any other Service arising which required the attendance of a large body of men, the six companies off duty were likewise called out and the Padikara companies only were retained for constant attendance at the Palace—In the reign of his Successor Rajadhi Raja Singha the Padikara class was augmented to 7 Companies of 32 men each—and besides seven new Companies were formed of from 10 to 20 men in each, taken from the different Lekamships in the 7 Uda Rata districts—the tenures of whose Lands were consequently changed into Madoowa Service—This body was called the Aloot Peroowa or New Class—This took place after the rupture between the Kandyan and the Dutch Government, and shortly before the English invaded the Dutch Settlement on this Island.—

When the deposed King began more actively to manage the affairs of his Kingdom, he directed that every Gankara peroowa company should consist of 32 people and that Purappado or escheated Lands should be bestowed on the Recruits received into that Corps to complete the numbers—Owing however to the causes before stated his intention was not carried into effect with precision, for some of the Companies received an accession of more men than were required, while others did not get the regulated complement.—

In Seka 1730 (A.D. 1807) the Numbers of the Gankara peroo companies were as follows according to the Lekam Mittiyas.

Udunuwera, 1 Aratchy, 1 Kankanam, and men.
Yattinuwera, 1 Aratchy, 1 Kankanam, and men.
Tumpaney, 1 Aratchy, 1 Kankanam, and men.
Harrispattoo, 1 Aratchy, 1 Kankanam, and men.
Dumbera, 1 Aratchy, 1 Kankanam, and men.
Hewahetta, 2 Aratchy, 1 Kankanam, and men.
Matele, 1 Aratchy, 1 Kankanam, and men.

Some of the Gankara Peroowe people held their lands by hereditary right, and others by rights of Gift (verbal or written) from the King, and some only by permission of the Chieftain and as long as they were willing or able to do the Service.—

In respect to the latter class of Lands, it was at the option of the Chief to change the possession as often as he had a plea or found it his interest so to do—but instances were not rare, where the Chief stretched his Authority so far as to dispossess paraveny holders of Maduwe Land whose right had originated only in verbal Gift from the King, but who were afraid to complain against any such injustice.—

The said King also increased the Padikara peroowa to 23 Companies of 32 men each, of whom 3 were Headmen, Muhandiram, Aratchy and Kangahn or in place of the latter was appointed a Dureya in Companies which had low caste people enrolled—Subsequently these Companies were increased to 50 men each, besides 5 Headmen to every Company, vizt. a Muhandiram, 2 Aratchies and 2 Kanganies—This Department continued to be maintained on the above footing till the close of the Kandyan Government—In times of peace, the six companies of the Gankara Peero off duty contributed their labor in forming the Lake and effecting many of the other improvements about the Town of Kandy made under the deposed King—They were also sometimes employed in driving Elephants—If they were engaged for a short period not exceeding ten days, they were called out in a body, and if for a longer period, they were divided into two reliefs and employed in the same manner as the Rattawassam and other Departments.—

At the British accession the Padikara Companies were disbanded—The Gankara Companies were retained and Ehelepola was the Chief of the Department—After the Suppression of the Rebellion, the Gankara Department was also discontinued—the people of the Alut peroo, formed by drafts from the Lekamships, reverted to their former places.—

As the Government has not formally relinquished its right to the unalienated portion of the Maduwe Lands, the Jud. Com.'s Court in cases touching those lands generally passed its decree recognizing and reserving that right—Copies of some of these decrees will accompany this report—Under these circumstances, the Board can have no hesitation in coming to the conclusion that the Parena Gankara Madoowa lands are resumable at the pleasure of Government, excepting those for which Sannases have been granted or which have been admitted into the department at the request of the hereditary owners (but the Lands so granted are nevertheless liable to all the Services and forfeiture in default

of those Services, which can be imposed on the Lands resumable at pleasure—But at the remote period, and considering that the Government has decided on not resuming for the present the lands of the temporary Nilekareyas of Royal Villages, the Board is not disposed to recommend that the temporary Maduwe proprietors should be disturbed in their possession.—

A few of the fields of the Parena Gankara peroo were granted by this Government as rewards for Services—The remainder (similarly with the hereditary lands of other Establishments attached to the native Court and abolished at that period) merged into the Rattawassam, and in some instances into other departments to which the Lands had belonged prior to their having been resumed by the Crown and annexed to the Maduwe.

The Rhodiyo

Ampitiye Gamagedera Korle Atchela states that the Rhodiyas have Kooppayam or Hamlets at Kooragandeniya in Dumbera, where they possess about 16 lahas extent of a paddy field, and high ground about 12 lahas (Kurakkan) sowing extent—At Koskotey in Harispattoo, where they have about 15 lahas of paddy land 8 lahas of high ground—at Udugalpitiya in Yattinuwera, at Ganeytenne, Gaewilipitiya, Maawaane, and Kaalwane in four Korles—They have six Kooppayam in Ouvah—two (or more) in Matele, vizt. at Kirioroowe and Marukona—They are more numerous in the Provinces of Saffragam and Seven Korles, and two Kooppayam in Walapaney.

Of those in the Uda Ratta the Rhodiyas of Kooragandeniye and Koskote are under the control of the 1st: Adigar, and those of Udugalpitiye under the 2nd: Adigar—In short the Rhodiyas of the Palleygampaha Section of the Kandyan Country, which comprizes 7 Ks. &c., &c. are under the control of the 1st; and those dwelling in the other part, under the control of the 2nd. Adigar.—

That in ancient times, and until the Reign of Raja Singha there was only one Adigarship and throughout that space of time there were only four Rhodiya families in the Uda Ratta, vizt. two at Kooragandeniya in Dumbera, one at Koskotey in Harispattoo, and one at Udugalpitiya in Yattinuwera—Their duty then was to furnish every year, whips for the Adikar's use, Kodi Sawaram or tassels made of Niyenda, to be appended to flags and banners, and ropes made of thongs, for catching Elephants.—

That when a second Adigar was appointed in the reign of Rajah Singha, by the style of Uda Gampaha, the Rhodiyas of Udugalpitiya were placed under his control, and the rest remained under the control of the superior Adigar, whose office was styled Pally Gampaha, and the same services were continued.—

The Hiragey Kankanams had the authority of appointing one of the Rekewal people to be Hoolawaliya over the Rhodiyas, and this Hoolawaliya appointed a Gasmanda from amongst the Rhodiyas under his Authority.—

The Gasmanda is so called from the large rope or cable, made of thongs, which the Gasmanda furnishes for the service of catching Elephants—it is the largest kind of rope, used at the said service, (Gaha a tree, Mande noose)—The other Rhodiyas belonging to his Kuppayama only furnish the smaller ropes.—

They were formerly allowed to have but one slanting roof for each hut, and only a cadjan screen with a hyde on it for a door—they were never allowed to cross a river in a boat, or to travel through a Royal Village or to walk on the embankment of a canal in the Royal fields—consequently the Rhodiyas of Dumbera, and of Ouvah could have no communication with each other—and therefore those of the latter province were chiefly under the orders and control of the Dessave.—

When a Rhodiya was accused of Robbery or cattle stealing, the Hoolawaliya made report thereof to the Hiragey Kangan who thereupon sent him to bring up the accused to the Ferry, on an appointed day—When not only the culprit was brought up, but all the rest of his Kuppayam also were collected—The Hiragey Kankanam went over, and the culprit being secured, other Rhodiyas were directed to punish him *i.e.* Rhodiyas of another Kuppayam—The instrument of chastisement was the thrang {thorny ?} Twigs of Eraminiya, and hard knotty Keppetiya sticks—the offender was then sent away to another Kuppayam to be confined in the stocks—each Kuppayam being furnished with them—Udugalpitiye Rhodiyas were thus sent to Koskotey.—

When accused of seizing Wellala Women, of plundering Villages (which they sometimes did in large numbers, like Banditti) the offenders were put to death by order of the Adigar—They were confined in stocks and placed in an Elephant track, where they died of starvation unless trampled on and killed by Elephants—Sometimes the criminals in such cases were destroyed by their own people, who were ordered to act as Executioners.—

When one or two Rhodiyas only were to be put to death, people of the same cast* were employed as Executioners—but where a whole Rhodiya Village merited destruction, from being guilty of outrageous acts of Robbery and plunder and seizing of Wellale women, people of other castes surrounded the Kuppayam and fired upon them without discriminating sex or age, the innocent or guilty—as was done once when Angammena was Dessave of Ouvah—The Rhodiyas of Paranagama were accused of having seized Women from the Ratta Villages, of having committed Highway Robberies &c. on which they were so chastised—30 were killed on the occasion—only one Rhodiya of that Kooppayam with a few women and child escaped, having obtained Sanctuary from Talakumbura Mudianse—The Kuppayam was then set fire to and wholly destroyed.

1829. J. Downing Esquire Judl. Commr.—ordered the Rhodiya men and women in Udunuwera Yattinuwera Udapalata and 4 Korles to be brought up to Kandy and confined in the Gaol for a few days in consequence of repeated complaints that the Ratta people and others were constantly terrified and affronted by some of them—They were then released with a suitable admonition.

1830. Augt.—H. Wright Esqu., Judl. Commr.—13 Rhodiyas brought in from Dumbera by order of the Court and admonished to beware of their conduct, and to endeavour and apprehend some people supposed to be of that tribe,who had waylaid and assaulted a servant of the Rutwatte family with the design of robbing him, on the highway at Etgalle between Matelle and Dumbera and then sent back to Dumbera.—

SWEARING BY HOT OIL†

In the Case of Pamoonoowe Lekam

VS.

Harasgama Ralle

Tried before the Judicial Commissioner's Court, as the parties could not adduce proper Witnesses in support of their claims, it was ordered on the 24th: January 1817 that the parties do take their oath according to the custom of the country in front of Dambulle Dewalle in Matela—in oil.

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* *Sic.*

† Page 57

Parties litigant coming to an amicable settlement, and getting the terms of their agreement recorded in Court, must ever abide thereby (C).

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*A Nilikareya wishing to quit service must, before he leaves the Estate, till his allotment of the Mutettu once, repair the embankments, and plant the මල් පැල or flower bunch, in token of the ground being prepared for the ensuing season—which concludes his obligations and he will then be at liberty to depart.—

†Remarks by the Revenue Commissioner on Mr. Turnour's Report. H.W.

Infanticide—As this barbarous practice prevails only amongst the most indigent, and low cast‡ people, and is resorted to only in extreme cases of misery, it is not likely that any checks can be given to it beyond the execution of the Law already in force on the one hand, and the gradual improvement which is likely to follow the change of Government—in the condition of the people on the other hand.—

Cattle—As there is a scarcity of cattle in Saffragam, it would be advisable to prohibit the slaughter of females for a certain period—but no diminution of the demand can ever tend to increase the supply—The formation of good roads would certainly do much in rendering the possession of horned cattle more valuable, than at present, and as a fewer number of draught cattle is necessary in the transport of a given quantity of grain or other commodity than carriage cattle, the difference in the number of cattle remaining would be disposable for other purposes.—

EXEMPTION FROM TAX

1st: Temples—As fraudulent entries are suspected to have been made in the Register, the right of each Temple should be examined into. The same should also be done in respect to the Lands of Chiefs in addition to their oath, and recorded—The abuse complained of has been pretty general throughout the interior, but it arose more from a misconception of the Law, than from a fraudulent intention and the remedy suggested seems unobjectionable.—

§2nd: Nindagams—This subject seems to hinge upon whatever be the true construction of the Law which imposes the grain tax—The Agent observes that a plea has been set up by the dependants of

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* Page 102 ‡ *Sic.*
† Page 55 § Pages 82, 100

these Villages that, by virtue of this tax they are released from all further dues and services to the Proprietors, and this he considers to have been the object which Government had in view in framing the New Constitution—The evils resulting from which he explains and wishes to remedy. But the measure he proposes to adopt for increasing the grain Revenue seems calculated to perpetuate and extend this evil, as it owes its origin to the circumstance of the Pelkara Lands being made to pay their own tax, in place of its being defrayed by the Proprietor alone—It is not the tax but the manner in which it has been levied that has alienated the dependants and ruined the Proprietors who, being regarded as Lords of the soil, are entitled to the services and certain dues from their dependants in consideration of the Lands they allow them to possess—If they wish to retain these dependants as formerly, they must secure them against the operation of any additional burthen imposed generally by Government, but having failed to do this, their dependants have been obliged to seek their own redress—Without such dependants, which constitutes the real value of a Ninde Gama, in what would its respectability, profit, or influence consist? To separate them from the Proprietor would prove, as it really has, highly injurious to the latter, as it would break the chain which has from time immemorial united their mutual interests, and reduce the revenue which the Proprietor derived from his Muttettus from a whole to a half share of their produce, without any equivalent, as it obliges him to give them out to Anda Kareyas, for cultivation in like manner with the palu and purappadu or abandoned Lands of his Estate—There is besides a certain idea of ignoming attached to the person who is thus obliged to give his paraveny lands out to Andakareyas as it implies a degree of poverty in that particular kind of possession of which the people are most fond, viz: Followers or Dependants—They are in fact his Servants by Inheritance whose wages are paid in Land in lieu of money, and tho' he has the power of dismissing them, and transferring their Lands to others if he pleases, this is seldom, or rarely ever exercised, they having in most instances acquired a kind of birth-right by long residence and possession, living happily and contented in performing all the customary services which by the tenure of these Lands they are bound to perform to their Chief.—

That this relation between Proprietor and cultivator should be broken, and their private rights and privileges destroyed by the imposition of the Grain tax, I do not think was ever contemplated or intended by Government and the very terms in which the Grants of Ninde Gamas have been made, seem to confirm this opinion—In abolishing the Ancient gratuitous services of the people, and substituting a general

tax on grain, I have always considered its operation to be confined to those dues and services only which belonged to Government, those due from the Royal and Temple Villages being specially reserved—A Nindegama is to its Proprietor precisely what a Gabedagama is to the King—the King may cause his Ninde Muttetus to be cultivated in Anda if he pleases, and may tax the Lands of the Nillakareyas whose services in other respects he has no further occasion for—but the Nindagama Proprietor cannot spare those services nor has he the power of commuting them—But as in Saffragam, the proprietors have allowed their dependants to withdraw themselves from their services under what appears to me to be an erroneous impression of this being intended by Government, the bad effects of which however are manifest, the Revenue Commissioner therefore agrees with Mr. Turnour in thinking that they ought to be allowed to recover them, but on this condition of of paying the tax of the whole Nindegama themselves—As then the Proprietor who is not in office should have the option of paying the whole tax due from the lands of his Pelkaras as well as from his own Muttetus, in consideration of the advantages he derives from their dues and services, it becomes a matter of course that all such payment should cease on his entering Office, the value of which would be thereby enhanced, and his personal superiority over others who were out of office sufficiently marked.—

After these observations it does not appear that there is anything left for consideration with respect to the grant of the Village Niwitigala to Doloswela Dessava and other similar Grants, as by their tenor they explicitly exempt the possessor from all Tax forever, whether he be in office or not.—

3.* Dewalle Lands—The Pelkara or Nilakara Lands in the Temple Villages and similarly circumstanced to those of Royal Lands, the Pelkareyas being moreover liable to public services for the King as well as for the Temples—If their Lands be taxed they will not cultivate the Temple Muttetus, nor perform its services any more than the Nilakareyas of a Royal Village would cultivate the King's Muttetus and do his works if their lands were taxed—Personal gratuitous services are rendered by them to the State in lieu of Tythe—No such Services are afforded from Nindagams, and therefore the Proprietor would be justly taxed in grain, so long as he enjoys the benefit of the customary dues and services from his Pelkareyas.— * * * *

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* Page 82

EXTRACT FROM PROCEEDINGS OF THE BOARD OF COMMISSIONERS*

Slaves

25TH JULY, 1829.

In obedience to Mr. Eden's Letter of 27th April last the Board having consulted the Principal Chiefs, beg to report,

That all slaves in the Kandyan Provinces are personal property and liable to perform any service the Owner may think proper to require of them—Some are retained for domestic purposes, others located on Lands and employed as Nilakareyas or otherwise at the pleasure of the Proprietor—Frequently they are advanced to offices on the Estate, but these arrangements are not considered permanent—The manner of employing Slaves being entirely at the option of the Owner.—

Slaves are all personal property—none are attached to the soil, but can be disposed of in any way the proprietor may think proper—They are competent to acquire and possess landed and moveable property independent on their Masters, and dispose of it by will or otherwise—But a slave dying intestate, his owner becomes his heir at Law, and inherits all his Lands and effects—They are in every respect held equally competent with a free man to give Evidence in a Court of Law and are not unfrequently called upon to be Witnesses to transactions where their owners are concerned.—

Of the Slaves at present in the Kandyan Country, some are descendants of Native Kandyans who from circumstances become slaves, and others are supposed to be the Descendants of Slaves brought from the Continent of India by the first Settlers.—

Slaves were likewise acquired by purchase of children from their Parents in times of great scarcity, and by seizing free persons in satisfaction of pecuniary claims, but these practices have entirely ceased since the insurrection of 1818.—

Census of the Slave population was made a short time since by order of Govt., and the accompanying document marked A in† the result. P. 121

Under the late Government there were a number of Slaves attached to the Royal Household but who were emancipated by this Government soon after the accession, so that all the Slaves now are private property.—

* Pages 121, 126, 188.

† *Sic.*

By the Laws and Customs of the Country, a Master has the power of punishing his slave in any way short of maiming and death—The punishments usually inflicted are flogging confining in stocks or irons—cutting off their hair, and when very refractory, selling them—But in no part of the world is slavery in a milder form than here—Cruelty to a slave is scarcely known and in general they are treated more as adopted dependants of the family than menials. Indeed there is no object for ill using slaves—The owners are the principal Landed Proprietors of the Country who confine their agricultural pursuits merely to the supply of grain for the use of their families and retainers, there is therefore no inducement for overworking or otherwise illtreating their Slaves.—

Slaves are seldom sold or families separated, but when given as Marriage portions or on the demise of the Proprietors when in common with the rest of the deceased's property they are distributed among his Heirs—In all cases however, every consideration is paid to the feeling of the Slaves thus disposed of.—

Swearing of Witnesses

It happened that Witnesses who were sent to swear at the Dewalle, qualified their affidavits with ambiguity of words, and taking advantage of the remissness of those whose duty it was to see the Evidence duly sworn to, merely declared "It is true that I did give evidence before the Court" instead of averring "I declare that what I have stated in evidence before the Court is true." The Kandyan Chiefs having received information of this irregularity, submitted the following Rule and Form, which being approved by the Judicial Commissioner, has since been enforced—*vide* Criminal Diary of this date.

*Translate

"In the year 1823—April 2nd—At the Hall of Audience in Kandy.—

Henceforth persons of the Budhist Faith appearing as witnesses before this Court, shall make oath in the following manner,

When a Layman has to make oath to the truth of his Evidence, either the Liyene Aratchy or the Peon Aratchy, and the Hiragey Kangan, and Katupulle Korle Atchela will conduct him to the Kowila Dedimoonda Dewate Bandara at the Maha Dewalle, and to the Pattini

* *Sic.*

Dewalle, whereof the doors being opened, the Kapuralle will make invocation, after which the witness shall approach the shrine and holding up his hands towards the Image shall say "This raised hand ought to be crippled if I have given false evidence through enmity against such a one—or through affection in favor of such a one—have declared what regards such a one according to what I have heard and actually seen—if I have asserted anything that is false or untrue, this God will within three Dawasa (days and nights, Negethanthera) or three Waroowa (three half days *i.e.* two days and a night)—Within 7 Dawasa or 7 Waroowa, punish me."

Thus shall the oath be administered at the Gate at eventide."

The *Evening* is mentioned merely because it is the practice for the Aratchy &c. after the Court is closed, to conduct the Witnesses who had been examined in the course of the day, to the Dewalle for the purpose of seeing them sworn—but any part of the day is eligible.—

CENSUS OF THE SLAVE POPULATION IN THE KANDYAN PROVINCES*

	Males	*Females*
Udaratta	380 ...	425
Four Korles	82 ...	81
Three Korles	2 ...	8
Seven Korles	213 ...	186
Ouvah	151 ...	146
Matele	70 ...	66
Saffragam	169 ...	134
Total ...	1,067 ...	1,046

Board 25th: Augt. 1829.

SUICIDE†

Under the former Government, it was usual, when one committed suicide, having previously denounced some person as the cause, for the Dessave or Chief of the Province (or for the Adigar, if it happened in the Uda Ratta) to exact a fine from the party denounced, under the term of Palee or Atonement, which was generally the sum of 50 Ridis.—

This exaction was prohibited by King Keertisree at the building of Gangarama Wihare, as will appear recorded on the rock, wherein the endowments to that Temple are engraved; but yet the practice was revived and continued in vogue until the change of Governments.—

* Page 119 (A)

† Page 56

SLAVERY*

A Wellalle woman of Udapalata, having incurred a penalty by committing a theft, sold her son Appooralle to Yattawatte loku Dessave for 8 Pagodas—the Dessave afterwards gave away the slave to Galagoda Unnanse (who was afterwards known by the name of Cottey Dessave)—at this time the slave had an iron ring fastened on an ankle as a restraint on him, for refractory conduct—the Unanse had the ring knocked off—and Appuralle was subsequently so far favoured by the Galagoda family, as well as Yattawatte Dessave, that he was appointed Vidahn over several Villages in succession, and in process of time attained the office of Ratta Ralle of Bintenne—he married the daughter of Hamanawe Rattaralle who was of one of the most respectable families in Wellasse—he dwelt in the Village Kehel Attawela and was consequently known by the name of Kehel Attawela Ratte-Ralle—At this period he conducted the Wanniyar of Nadena, Aruma Perumal and other Headmen of the Batticaloa District, to Kandy, to transfer their allegiance from the English to the Kandyan Sovereign—Whereupon the King of Kandy conferred on Appooralle the office of Dessave of Pattepola, and bestowed on his Son a Gold Chain (Mr. Sawers was the Collector of Batticaloa—it was just after the Wak Oya expedition Ao. 1805.)

Appooralle used always to declare, that all his acquired property should devolve at his death, to the King—consequently on the occurrence of that event, his Heirs inherited only his Lands and the King got all his valuable goods, and sixty slaves who were his property—(such, slaves of a slave, are designated Perakitta Waal).—

His death was untimely—having incurred the King's displeasure by failing to give timely notice of the movement of Captain Johnson's Detachment, and dreading the consequences, he poisoned himself with Watcha Naawi.—

Yattawatte Dessave died a few days previous to Appooralle's death—had he survived him, and were so disposed, he could not yet reclaim his slave, since by being raised to office by the King he had become virtually enfranchised. Mem: the Deft: in the case of Soodoo Kooma *vs.* Kehelattawela Banda (suit at Alupota Agency July 1830) is a Son of the said Appooralle.

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* Pages 126, 188, &c.

Inheritance—Child Preferred to Nephew

In the reign of King Keertisree, a suit was instituted before the Great Court by Galagoda Wellasse Dessave and Hanguranketa Adikaram, Brothers, against Arauwawele Matele Dessave (afterwards Adigar) for the lands of Karandegama, Kiriwanagama and Hiyarapitiye—which were part of the Estates of Galagoda Maha Dessave—The latter had bequeathed his Lands amongst four of his Sons, of whom the said Plfs. were the youngest and the oldest—The fifth son being a Priest did not share in the inheritances—After the Testator's death his Sister's Son Arauwawela Matela Dessave usurped possession of the above specified portions on the ground that a Nephew had a right to inherit as well as child—but the Court refuted his plea, and the King himself adduced no less an authority than the fact of Budha having alienated his children to the Mendicant in slavery, in order to attain the completion of his Aspirations, *i.e.* the State of a Budha in an after life—and that as Budha had extirpated the devils and rendered the Island habitable and established his Doctrines therein, they were to form the Rule and guidance in the administration of Justice—that consequently Children were the sole heirs to their Parent, and Nephews had no right to participate in the inheritance—The Defendant was placed in arrest in his own Walauwe for his violent assumption of rights that did not appertain to him.—

Adoption*

Tambane Mudianse, Purangwele Mudianse, and Nakkela Mudianse were brothers—They had a Sister married to Kohukumbure Mudianse to whom she bore two Sons Loku Mudianse and Kuda Mudianse—Tambane Mudianse having no issue, adopted the daughter of his Brother Purangwela Mudianse and married her in Beena to the son of Udoowela Mohattale—Hereupon the Sons of Kohukumbure Mudianse entered a protest and set up a claim as presumptive heirs to Tambane Mudianse, alleging that Purangwela Mudianse being then dead, his only child the daughter aforesaid should be content with his Inheritance, and that Tambane Mudianse's Estate should eventually devolve on his Sister's Sons and not on the niece whom he had adopted—The Plaintiffs were nonsuited and Tambane Mudianse's right to adopt his niece and constitute her his sole Heiress, determined by the Judge.—

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* Page 198

Marriage*

Ceremonies observed in contracting Matrimony amongst superior classes of the Singhalese.

1. On choice being made of a Bride, the Bridegroom's Kinsmen give intimation thereof to some of the Bride's friends, who consults her Parents or Guardians and other Relations, and if they approve of the proposed Match, the Bridegroom's friends are informed thereof—Whereupon some of the latter pay a visit in form to the Bride's family, and having seen the Bride and received assurance that the suit was sanctioned they return after being treated with rice and betel.—

2. Afterwards a Relation of the Bridegroom goes to the Bride's with presents of Cakes &c. and returns thence with her Nativity or Horoscope—this is compared with the Bridegroom's to ascertain whether the Union of the two persons will be happy and fortunate—if the Nativities are accordant and compatiable an auspicious day is appointed for the wedding and the Bride's Parents or Guardians are apprized thereof.—

3. On the day appointed, presents of Betel, Cakes, fruit &c. are forwarded to the Bride's, and then the Bridegroom's father proceeds thither in state followed by the Bridegroom's Mother with proper attendance likewise, and lastly comes the Bridegroom—On the party approaching the Bride's residence a brother and a sister or an Uncle and an Aunt of the Bride, go out to meet them in similar form and state, and conduct them to the house—When they arrive at the outer gate of the house, and have stepped on the cloth spread for them to walk upon into the interior of the house, a cocoanut is smashed into pieces in the name of Ganeswera, the God of Wisdom—and on the parties entering the Apartments prepared for their reception, the ceremony of invoking long life is performed and the God of Wisdom again propitiated by breaking a coconut.—

4. Previous to the auspicious moment of solemnizing the marriage, the Bridegroom's Mother delivers a valuable cloth as a Killikeda Hela, to the Bride's Mother with another cloth and a set of Jewels—and the Bride's Father gives a suit of Apparel to the Bridegroom—The happy moment being arrived, the Bridegroom throws a gold chain over the Bride's neck and then presents her with a complete set of apparel and ornaments—and the Bride being arrayed therewith steps up along with the Bridegroom on the Magool Poroo or wedding plank which is

* Page 191

covered with a white cloth—The Bride's maternal Uncle or some other near relation then takes a gold chain and therewith ties the little finger of the Bride's right hand with that of the Bridegroom's left, and the couple then turn round upon the plank three times from right to left—the chain is then taken off, and the Bridegroom moves to a seat prepared for him—The Magool Pata or Wedding plate is then brought in from which the Director of the ceremonies takes rice and cakes and making balls of them give the same to the Bride and Bridegroom who make a reciprocal exchange thereof in token of conjugality—The guest and the rest of the company are then served with victuals, betal and sandal.—

On the couple quitting the Bride's to go to the Bridegroom's house, they are accompanied by a Kinsman of the former with proper attendance—On approaching the Bridegroom's residence they are met by a Kinsman of the latter attended with Talipots, Torches &c. who greets the Bride's Kinsman, and conducts the party in—here also a cocoanut is smashed on the ground in the name of Ganeswara and the ceremony is repeated of wishing longevity.

After suitable entertainment, the Bride's Kinsman and other guests depart.

5. On the seventh day after the last mentioned ceremony the festival of bathing the head takes place—The Young Wife's Uncle and Aunt or other near relations repair to the house of the new married couple in due style and are formally welcomed.—The open space near the apartment allotted to them is enclosed on all sides and covered with cloths—a plank being placed on the ground within, the young couple stand upon the plank side by side, with their heads covered with a Cloth—New earthern pots filled with water are then brought, and some person on behalf of the husband drops a rupee or a gold pagoda into each of them, and presents a gold ring to the Wife's Uncle who having awaited the auspicious moment, takes up the water pots and empties them upon the heads of the young people—After this ceremony, the visitors are feasted and permitted to depart.—

After the lapse of some days or months, the Wife's parents pay a formal visit to the young pair, attended by followers &c. on this occasion they bestow according to their means, a dowry on their daughter, consisting of goods, land, &c—And after the lapse of some time again, the new married people pay a ceremonious visit to the Wife's Parents.—

The Washer employed to decorate the Bride's house with white cloths on the wedding day, receives 5 Ridies from the Bridegroom

he also receives 5 Ridies for spreading the cloth on the Magool Poruwa—And the person who conducted the Bride to the Bridegroom's house after the marriage ceremony, pays 5 Ridies to the washer who decorated the Bridegroom's house for the occasion.—

SLAVERY*

Copy of a Letter from the Agent of Government Fort Mc.Dowall to the Judicial Commissioner.

Dated 15h September 1829.

"I have the honor to request your opinion with regard to a case in which the widow of the late Ratwatte Adigar claimed a woman and 5 children as slaves—The woman denied, and on evidence being called, the Witnesses for the claim were very satisfactory, those for the slave did not attend and some were reported not to be found—As they were from a considerable distance, and it appeared delay was the object, the Court fixed a day to hear these Evidences, but in the meantime ordered the woman to go and perform duties as usual at Ratwatte—The Plaintiff refuses to receive the husband of the Slave, who is a free man and has lived there for many years and is the father of the five children.—

I beg you will favor me with your opinion whether under such circumstances, viz: refusing to receive the husband of the woman and father of the children, I am to enforce the Slavery of the woman and family—and consequently separate them from the Husband."

I have, &c.,

(Signed) J. FORBES

Answer

17th: September 1829.

"SIR,—In reply to your Letter of 15th: instant, I have the honour to state that under the circumstances of the case submitted, you would in Law be justified in compelling the slaves to submit to the Authority of their Proprietor, although at the penalty of being separated from the husband.—

* Pages 119, 120, 188

I apprehend however that the case you allude to exceeds your jurisdiction—As the question should be tried as a Civil case and classed according to the value of the slaves claimed, which would be at the rate of one hundred Ridies for every female and fifty for every male without reference to age."

(Signed) J. D.

Kandy 28th October 1829.

Where several persons possess portions of paddy Land in the same Wela, they are all bound to keep in repair the Ela or channel which supplies their field with water—and if any of them on pretence that his portion of the land did not adjoin the channel refused to lend his aid, the rest of the Proprietors assumed the right of withholding the usual supply of water for irrigating the delinquent's land, and thus either cause a failure of his crop or impelled him to co-operate with them as customary by resuming his portion of the necessary labor.—

In some tracts of Land, each cultivator has to supply a certain number of stakes according to the extent of his share therein, and to assist in making the common fence to protect the whole Wela, whether his portion of the Land be close to the fence or situated in the middle of the valley and surrounded by other Pangoowas—and in case any individual of them, on the plea that his pangua was so situated, refused to furnish his proportion of the requisite material and labor, the rest of the landholders endeavoured by reproof and even with blows to compel him to do his duty, and if he still held out they complained to the Chief, who took measures to force him to comply.—

Illegitimate Children

Letter from the Judicial Agent—Kornegalle—to the Judicial Commissioner—5th: Novr. 1829.

Stating that a certain woman appeared before him with two children, twins, to claim support for herself and the children from the man she swears is the father—that the latter denies the allegation—that the Agent "has left the case to the Assessors to decide agreeable to their own Rules and allow her some means for the support of the children from the man, but they not being able to aid" The Agent "with any

opinion, stating that such a case was not known in the time of Kandyan Government"—requesting instruction as to the disposal of the case, and intimating that unless provision were made for their subsistence, the children might be in danger of being exposed to death, as was the practice in former times.—

Answer from the Judicial Commissioners

11th: November 1829.

"That the man alluded to is bound to provide for the maintenance of the two children in question, on its being satisfactorily shewn to the Court by the oath of the mother that he is their father—She may probably also be able to shew that it was publicly known that they cohabited together, which would be strong corroborating evidence in support of her claim upon him."—

In the Case of Subadar Sawel vs. *Sooraweeragey Don Hendrik Late Weebada Lekam**

Plaintiff lent the Defendant a sum of money upon the Mortgage of a house, during the period the latter held the responsible situation of a Weebada Lekam—Having failed to discharge the debt, Plaintiff obtained a decree and subsequently a writ against the defendant's effects, and the said House was accordingly sold—Whereupon the Revenue Commissioner on behalf of Government interposed a claim, as will appear in the Sequel.—

"Revenue Commissioner's Office—
Kandy, Decr. 10, 1829.

SIR,—Being given to understand that a writ of execution has issued from your Court against the effects of Sooraweeragey Don Hendrik, late Weebada Lekam of Oudoogoda Asgiri Korles in the Matele Agency I beg leave to acquaint you, that there is a demand outstanding against that individual on the part of Government for 5,961 Parrahs and 2½ Seers of Paddy.—

* Page 93

I am not aware whether by Kandyan Law (recognized in your Court) claims of the Crown precede those of other Creditors—Should such a preference be admitted, I beg that I may be allowed to avail myself thereof in this Case—And solicit that the amount realized by the Writ, may be kept in deposit, till the claim of the Crown against Don Hendrick has been disposed of."

I have, &c.

(Signed) GEORGE TURNOUR,

R. C.

To J. Downing, Esqu.
Judl: Comr., &c. &c.

Kandy: 22nd: December 1829.

SIR,—In reply to your Letter of the 10th: Instant, I have the honour to state that by the Kandyan Law, it does not appear that the Crown takes precedence of all other Creditors—Besides in the Case alluded to, the property sold under the writ of Execution is formally mortgaged to Plaintiff for the debt claimed, which of course precludes any other claiments participating in the proceeds of the sale until the Mortgagee's claim is discharged.

Before replying to the question, whether by the Kandyan Law, the Crown had the preference of other Creditors, the Judicial Commr., consulted the 2d: Adigar and other Chiefs on the subject—and thereupon Dehigama Senr. Diyawadana Nileme stated that a certain Moorman called Kaloo Lekama borrowed 3,000 Ridies from the Treasury in the reign of King Keertisree—He stipulated to trade with the money and to pay into the Treasury a certain rate of Interest per Annum—Two years elapsed, and no Interest being paid, Angammena Adigar, who was also one of the two Wannaku Nilemes of the Royal Treasury, sent to demand payment, but the Debtor avowing his inability to satisfy the claim, was threatened with prosecution that his failure would be reported to the King, this report was however deferred being made for a day or two, as the King happened to be then absent at Gampola—in the interval, one Mowla Meddema Mohandm. to whom the said Kaloo Lekama owed 300 Ridies having received intimation of the affairs, invited the Debtor to his house on some pretence, and then inhibited him by Welekma. The Adigar hearing of this reported the circumstances to the King, who declared that as the other Creditor had anticipated him by first securing the Debtors person, his debt should be

discharged before the King could bring him to account—and as the Debtor himself was unable to pay Mowla Mohandiram, the King directed that, that sum should be paid from the Treasury and the Debtor being released from his thrall, be brought up to the palace—this being done, the Debtor was taken into custody on account of the claim of the Crown, and part of his debt exacted from him and the rest remitted, not however before the Debtor had undergone severe chastisement for imposition, inasmuch as he stipulated to perform what he afterwards failed to effect vizt, to trade with the King's money as a prudent Merchant, and realize a certain profit thereon.—

CASTE

Letter from Judl. Agent, Kornegalle—27th: Sept. 1831 to the Judicial Commissioner

"Sometime since a woman possessed of property and of a good family married under her rank in life and by that act I understand forfeited her claim to all assistance with her family, who made an application to the late Revenue Agent here to take her lands from her, and accordingly he issued an Order to that effect (copy of which is herewith enclosed) and her lands were given over to her nearest relatives—Since his leaving this, the woman has entered an Action for recovery of these lands, which came before me yesterday, but which I have postponed for a few days until I am favored with your opinion—or if you should think it necessary, with that of the Kandyan Chiefs, whether a Woman marrying under her caste not only forfeits all claims arising from family, but also as a matter of course loses the property she inherited from them.".

W.F.

*Translate of the order above alluded to—

"Doranapola Kiri Menika having gone in Deega with one Naembilikumbura Weda of her own voluntary will, against the existing rules and customs of the country—You are hereby ordered not to allow the said Kirry Menika to enter in possession and cultivate her share of the landed property at Doranapola, should she return and attempt to do it in future."

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(Signed) G. H. CRIPPS,
Agt. of Govt.

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* *Sic.*

Answer.—"In reply to your Letter of the 27th: Instant transmitting copy of an order issued by the late Revenue Agent, whereby a certain woman has been dispossessed of her Lands in consequence of having married below her rank in life, I beg leave to acquaint you that such an order not being the result of a regular Judicial proceeding cannot be recognized as any bar to her action for their recovery—The fact of such a marriage must be pleaded, and if denied by the Pff. proved by Defendant— it will then be for the Assessors to say in what manner it should regulate the decision of the Court.—

Annexed are some general rules upon the Law of Inheritance and marriage prevailing in this Country as applicable to the case now under consideration.—

It is however to be observed that if the woman thus marrying below her station has entered upon the possession of her Inheritance, it is the general opinion she cannot forfeit it to any more distant relation than a Brother or Sister, provided her degradation took place after the death of her Parents—if before that period, she would forfeit all future claims to inheritance from them.—

(Signed) H.W.

(Signed) Galgiriyawe. (18th: January 1830)

Report written and submitted to the Judicial Commissioners, &c.

According to the order received, that we should enquire the cause why the religious Offices are neglected at the Wihare of Uruleywatte in Udunuwera, we and the principal Priests have examined the Upasakaya and his Son Unguwa who have possession of the Lands appertaining to the said Wihare, and have ascertained the fact that the religious Offices have of late being interrupted—but Unguwa has in presence of the Priests assembled, caused a Document to be written, wherein he promises in future to perform the sacred rites at the above mentioned Wihare without interruption, and has delivered the Document to us with his signature thereto—and we with the Principal Priests having upon such promise, determined the affair, admonished the said Unguwa, that if he should ever fail in his engagement, he will be brought to account.—

To this purport Galgiriyawe Maha Nayeke Unnanse of the Poya Malos *alias* Malwatte Wihare.—

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1830—
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(Signed) PAMOONOOWE.

Report written and submitted to the Judicial Commissioners &c.

According to the order which I received, in consequence of its having been represented, that the Kapuwas of the Rahoobadde Pattini Dewalle of Uruleywatte in Udunuwera had demolished that Dewalle, I had the two Kapuwas brought hither, and along with the headmen of the Temple proceeded to investigate the Matter at the Pattini Dewalle, and have ascertained that the Mandape of the Dewalle being decayed was pulled down, in order that a new one might be erected in its stead—that owing to the faulty conduct of Sewoorooloo Kapuwa, this work is prevented and retarded my arrangement was, that Loku Kapu Naide and Kuda Sewoorooloo Kopu Naide should take equal shares of the land, and that each should perform the Kapuwa duties for six months by turns—but contrary thereto Kooda S. K. N. acting improperly and according to his own will, and without the sanction of the principal people of the village, or of the Rahoobadde Vidahne—of the Dewalle headmen or of myself has pulled down the Dewalle—Not only was this improper, but the leaving that work unperformed is extremely bad—That this matter be considered by your Honor and a suitable measure enforced is desirable.—

Pamoonoowe B. N. of the Pattini Dewalle.

Board 3rd: March 1829.

TENURES OF LANDS

"The Commutation of the Grain tax now in progress renders it necessary that the tenures of certain Lands which have been in some respects deranged by the alteration of circumstances under the present Government should be taken into consideration, and some definitive arrangement made to allow of the Commutation taken effect in regard to those Lands.—

Almost every Estate of any magnitude in the Kandyan Provinces called a Gama or Village, has its Nillikara Pangoowos dependant on it—The Tenants of those Panguwas held them on the condition of cultivating the Lands of the Village Proprietor gratuitously as well as of performing other Service for him—Some of the Tenants of the Nilla Panguwas are hereditary and cannot be rejected unless they fail to perform the Services to which their Lands are liable—The others are temporary tenants removable at pleasure by the Proprietor of the Village, who may either resume the Lands for his own use or transfer them to some other tenant.—

This tenure exists also in such of the Royal Villages as became the property of the Crown by confiscation and forfeiture, but it seems to be considered, that in most of the Royal Villages which were never alienated by the Crown, none of the Nillakareyas have an hereditary right in their Panguwas.—

Since the suppression of the Rebellion, the present Government has discontinued the exactions in several Villages of the services to which the Nillakareyas were liable; and as the alteration is advantageous to Government, at no distant period, those services are likely to be dispensed with in toto.—

The first departure from the old tenure took place in the Estates confiscated during the Rebellion—The Village Proprietor's share of some of those Estates were granted away or sold by Government, withholding from the Grantees or purchasers the right exercised by former Proprietors over the Nillakareyas—The lands of the Nillakareyas were taxes* at 1/10 without any distinction being made between the hereditary and temporary tenants.

When Mr. Wright was Revenue Commissioner that Gentlemen* found it to be more advantageous to tax the Nillakarayas lands at 1/10 and give out the Government Muttetus to be cultivated in Anda than to exempt the Nillakareya's lands from the Tax for the purpose of getting the Muttetus cultivated in Anda—Here again no distinction was made between the hereditary and temporary tenants in taxing the Nillakara lands.—

Such of the official lands only as were transferred to the person on whom the Office was conferred (of which it was an appurtenance) were taxed at ¼.—

This is a subject of the utmost importance as it regards the Interests of the Crown, the Interest of some of the poorest classes of the Inhabitants, and as it affects also the rights of the higher orders.—

1st. As regards the Interests of the Crown, it is clear from the result of the experiment first made by Mr. Wright that the one tenth of the produce of the Nillakareya's lands is greater than half the produce of the Government Muttetoos—therefore on an average the Nillakaraya's lands are more than five times the extent of the Government Muttetoos.—

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* *Sic.*

2ndly. As regard the Nillakareyas it should be taken into consideration that the alteration in the tenure has been made solely to meet the views and advance the Interest of Government without any default of service on the part of these temporary tenants; many of which pangoos may have been held by their families for several generations, who have planted gardens, and otherwise improved the property.

Lastly, as it regards the higher orders—If any concession is made of the undoubted right of the Crown to the Lands of temporary tenants, it should be granted distinctly as a boon, to prevent any Precedent or Principle being established injurious to the rights of the private Village Proprietors, and their own temporary tenants.—

The Revenue Commissioner brings this subject, through the Board, to the notice of Government for the purpose of being favoured with some general Rules and Instructions for his guidance in executing one of the most important duties of his office.—

There are three other points of minor importance to be disposed of.—

1st. The Madoowa Lands.—The greater part of these Lands was the property of the Crown, given to active enterprising men fitted for the duty of the King's guard, of which they composed a part—they were unalienable, not even allowed to be mortgaged and were transferred to another person at any time that the holder of it was considered inefficient—The hereditary Tenants are those who have registered themselves into the Madoowe Department with their hereditary Lands, which had previously appertained to some other Department, or to whom Sannas have been granted by the King for Madoowe Land in consideration of services rendered in that Department.—

2ndly. Some of the Lands in Vidahn Villages have fallen into the hands of people of a better class, who by caste cannot perform the Cinnamon or other oliam Service.—

Under the native Government these Lands were seldom sought or required by the better castes, as the duty attaching to the Lands could not be evaded by the transfer.—

The Cinnamon Service did not exist under the Native Government, and was introduced prior to the Proclamation of the 21st: November 1818, in which Govt. armed itself with the power of commuting one description of Service for any other more useful to the Public—The Cinnamon Establishment was therefore chiefly formed by voluntary enregistration.—

The Government now possessing the necessary power, it remains to be decided whether these intruders into the Vidahne Villages shall be told that they either must find substitutes or dispose (within some given time) of the lands they had acquired contrary to the custom of the Country; or whether those lands are to be finally severed from the Vidahne Villages which principally supply labourers for Public Works.—

Lastly—the decision of Government is solicited as to Grants of Land made by Ehellepola Adikar and a few by Kapuwalle {Kapuwatte} Adikar, in the period intervening between the accession and the Rebellion to individuals as a reward for services rendered to the British Government being now recognized.—

The Board concurs in the view taken by the Revenue Commissioner as to the tenure of the Nillakarayas' lands—For the reason specified herein as well as in consideration of the present commutation being a temporary arrangement, which expires at the end of 1832 (up to which period the road service will probably fall as heavily on temporary as on the hereditary tenants)—the Board recommends that both classes of tenants should be placed on the same footing for that time—It being however distinctly understood that this concession will not prejudice the rights of the Crown at the reconsideration of the subject at the termination of that period.—

In regard to the Official Lands annually transferred to the person on whom the Office was conferred, and which office has been abolished in consequence of the cessation of Ninde cultivation, the Board considers that they ought to be resumed and disposed of in the same manner as the other Government Muttetoos.—

The Board also concurs in the view taken of the Madoowa Lands, but for the reasons already stated, it recommends that in this instance also, the temporary and hereditary tenants should till the expiration of the commutation be placed on the same footing.—

In regard to the intruders into the Vidahne Villages the Board is of opinion that they should be compelled either to furnish substitutes or to dispose of their Lands to those who could perform the Oliam service—and that their lands should be registered in the Cinnamon Department.

In conclusion, in regard to the Grants made by Ehellepole and Kappuwatte Adikars, the Board is not aware of any Authority they possess to alienate Crown or Purappadoo Lands permanently—It remains therefore for Government to decide whether a prerogative exercised by them which did not appertain to their situation should now be recognized. *Page* 138.

Board 17th: March 1829.—SUICIDE.

In the Case of The King vs. *Setta of Padiwitte.*

"For attempting to commit Suicide."

Tried and convicted on the 7th: Instant by the Agent in Matele, and sentenced to be imprisoned at hard labour for one Month.—

With reference to the above case the Judicial Commissioner begs to observe that he is not aware that the charge of which the Prisoner stands convicted is punishable either by the Kandyan or any other Law to which these Provinces are subject—nor can he agree with the Agent that any beneficial result is likely to accrue from the exercise of severity on such occasions—On the contrary, awarding of punishment would, the Judicial Commissioner conceives, in most instances only tend to aggravate the irritated and strongly excited feelings of the parties, and confirm them in a purpose which milder treatment combined with proper admonition would in all probability avert—He has therefore, until the decision of Government is received, taken upon himself to suspend that part of the sentence which awards hard labour and recommends that the prisoner be discharged.

The Judicial Commissioner avails himself of this opportunity to submit whether in cases where he doubts the legality of it, he has not the discretionary power of suspending the sentence and liberating the party on Bail, until the decision of Government is received, for in most instances a reference to Government is rendered nugatory from the sentence expiring before the decision of Government can be obtained.—

As there appears to be no Kandyan Law for punishing an attempt at suicide the first member does not think that the mere fact of an individual attempting to shorten his existence should subject him to confinement even, farther than may be necessary for his own safety—But seeing that suicide, or the attempt and even threat of committing it, is often (according to Sir J. Doyly) made use of as the means of giving publicity to an accusation or calumny against another person, he thinks it should then be considered as a published Libel, and as such proceeded against.—

The Revenue Commissioner is also of opinion that the sentence passed in this Case is illegal, as there is no Kandyan Law constituting the attempt to commit suicide a penal offence—The frequency of suicide in these Provinces, and this case in particular, are sufficient evidence that the notion is still prevalent among the people, that self destruction

on the avowed plea that a debt remains unpaid, or an injury unredressed, calls down punishment on the debtor or injuring party.—

The same motives which induced Government to put forth a Proclamation removing all doubt of the illegality of Infanticide and of the destruction of women on account of breach of caste, ought perhaps to produce an enactment repealing an undoubted Law which subjects the party accused by the suicide to a heavy mulot—It would be the most effectual mode of repressing that recklessness of life which produces the infatuation in question.—

Bribery

Letter from Judl. Agent—20th: August 1832.—

Pff. seeks to recover from Defendant £3.15.0 when Pff. acknowledges he had given to Defendt. as a Bribe to procure him a certain appointment to Office—requesting to be informed if Pff's. claim can be sustained.—

Answer—28th: August 1832.—The Judl. Commr. does not think the Pff. can legally recover the money, for the Law makes it equally culpable to give as to receive a Bribe but if the Agent has reason for *the King* {thinking? that Deft.} had taken advantage of the ignorance or simplicity of the Pff.—and if there is evidence sufficient for a criminal indictment, he might be fined so as to leave him no gainer by his dishonesty.—

Elephants

Board 19th: May 1829

With reference to the Proclamation of the 2nd: December 1828. The Rev: Commissioner begs leave to represent that it is stated by the Chiefs that Elephants were bestowed on them during the Native Government sometimes in perpetuity, in which cases the Animals became the property of the Heir-at-Law—and at other times only temporarily, in which cases the Elephants were resumed by the King, when the Appointment or Mission in which the Chief might be employed, ceased.—

The Board concurs in the view taken by the Revenue Commissioner in considering that the Chiefs now in Office have no paraveny right in the Elephants possessed by them at present—Their individual claims to be allowed to retain during pleasure the Elephants each Chief possesses, must necessarily be left to be decided by Government.

PRIESTS

8th: September 1830.—From the J. Comr. to the Judl. Agent Kornegalle

Disrobing of Priests

SIR,—In reply to your letter of the 6th: Instant reporting the conviction of a Buddhist Priest (whose name is not mentioned) of robbery and false Affidavit, and the application of the Assessors who sat on his trial, to have him disrobed—I have the honor to acquaint you, that it is customary on such occasions to make such act of degradation a part of his sentence, which is to be carried into effect immediately after the trial, by the Prisoner being sent in custody to the Pansela of the Anu Nayeka Unnanse in the 7 Korles belonging to the Establishment of either the Asgiriya or Malwatte Wihares in Kandy, to which the prisoner may be amenable—and there to be disrobed by the said Anu Nayeka Unnanse, who is to be likewise directed to report the circumstance to his immediate superior the Maha Nayeka Unnanse in Kandy—the remainder of the Sentence is then to have its course.—

I have, etc.

Proclm. 2nd December 1828 limiting possession of Elephants, repealed by procm. 12th: August 1831.

Letter to the Board*

Chief Secretary's Office,
Colombo, 22 April 1829.

Tenure of Lands

GENTLEMEN.—Having submitted to the Governor the Proceeding of the Board of the 3rd: March last, respecting the tenure of certain Lands with reference to the commutation of the grain tax—I am directed

* Page 135

to state that His Excellency considers that Nillakareyas holding Lands, and the Muttettu Lands which were formerly attached thereto and which they were bound to cultivate have been otherwise disposed of, such Nillakareyas are to remain in possession of their present Lands paying the usual tax of the District in which they are situated.

Official Lands are to be resumed excepting those to which a paraveny right can be established to the Office.—

With respect to the several points introduced by the Revenue Commissioner.

1st: Maduwe Lands are to pay the tax of the Country, the present holders of such Lands to be quieted in possession during their lives by a written Document under the Signature of the Revenue Commissioner, and on the demise of the present holder, the Lands to be conferred on some other person of the Maduwe Department capable of performing the Duties—preference being always given to hereditary pretensions as far as possible.

2d: Those persons who have become possessed of lands in Vidahne Villages, who have superior family descent and cannot perform the Services required from the tenure of such Lands, must either procure Substitutes or put persons in possession of these Lands on or before the next Sinhalese New Year's day or vacate them altogether.—

3d: The Grants made by Ehelepola and Kapuwatte cannot be recognized as valid.—

I have etc.

(Signed) THOS. EDEN,

Depy. Secy.

Letter from the Judicial Commissioner to the Judicial Agent, Kurnegalle

25th: August 1831.

"Having consulted the Chiefs in Kandy as well as the records of this Court touching the right of a widow to withdraw an appeal entered by her late husband, who has left issue by her I beg leave to acquaint you in reply to your letter of the 18th: Instant that the Petition of Manik Etana on behalf of Ukkoo Manika the daughter of herself and the Defendant in the case therein alluded to, praying to withdraw

the appeal of her late husband, cannot be allowed—the Chiefs being unanimously of opinion that the Interests of their child might be prejudiced thereby.—

The Petition is herewith returned with the proceedings in the case in order that the appeal may be proceeded on."

I have etc.

From Deputy Secretary to the Judicial Commissioner

January 11, 1832.

The King vs. *Talgasangey Indoolgodeya*

Tried before the Court of the Judicial Agent at Kornegalle for preventing his daughter returning to her husband, and for giving her in marriage to another.—

SIR,—I am directed to transmit to you the proceedings in the above case and to request you will point out to the Judicial Agent at Kornegalle that the complaint of the Prosecutor should not have been entertained as a Criminal Case.

P. A.

Advocate Fiscal's Office,
Colombo. 5th: Decr. 1831.

To the Chief Secretary to Government

SIR,—I have the honor to acknowledge your letter of 2nd: Instant, transmitting for my opinion an original letter (herewith returned) from the Judicial Commissioner in Kandy; and to state in reply, that I see no objection to the course recommended by that Gentleman; except that it does not go far enough; for in addition to the proposed notices and description, it would be proper to issue Warrants of apprehension to the different Agents—The proposed *threat* of confiscation, however, which may have a very good effect in inducing the fugitive to surrender himself, must be viewed as a *mere* threat, for as the man must be presumed to be innocent until proved to be guilty, (and the possession of part of the stolen property, followed by flight, are facts which, however suspicious, are by no means irreconcileable with innocence) the actual confiscation and sale of his property before conviction could never be

justified—A writ of *sequestration* may of course be issued, as a means of compelling his appearance; but sequestrators should be appointed to manage the property and be accountable for the produce when the fugitive appears; at least such is the mode of proceeding in the Maritime Provinces, under the Regulation No. 8 of 1806, Clause 16.—

With regard to the institution of a Civil Suit, as suggested by the Government Agent in the 4 Korles, there could be no objection to his hearing and deciding the case exparte, in the usual form, provided the Prosecutor were furnished with sufficient evidence; but as the mere naked facts above mentioned would be wholly insufficient in a Criminal proceeding, so ought they to be considered in a Civil Suit.—

(Signed) W. NORRIS,
Adve. Fiscal

RULES FOR ADMINISTERING JUSTICE

"The prosperity of him that perverteth Justice through Love, Hatred, Fear or Ignorance, shall diminish gradually as the moon in its wane—but he that shall not deviate from Justice through Affection or Malice, through fear or from ignorance, will advance in prosperity as the moon in its Increase. Should Justice be disregarded and its Rules deviated from, and Judgment given in favour of the false claiment, to the prejudice of the rightful owner or Heir, through affection or love induced by Relationship, Friendship, or Gratitude for benefits conferred—or through motives of personal animosity or from Fear induced by the daring and wicked character of one of the parties—or from his being a powerful personage in the State—or if Justice be perverted through ignorance, that is not being properly acquainted with the Science of Jurisprudence as taught in the comments upon the Sermons (of Buddha)—the wealth, Ritenue,* and Celibrity* of such unjust Judge will gradually pass away as waneth the Moon—thus is declared the destruction of the Prosperity, wealth and Power of him that Judgeth unrighteously, be he a Layman or a Priest—and the gradual advancement to Dignities consequent on the celibrity* and renown of the just Judge who escapes from these Agati or Perversion, is compared to the progressive expansion of the refulgence of the moon in its increase—it therefore behoveth the wise Judge to act constantly according to the following Rules of Adjudication.—

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* *Sic.*

He that takes the Seat of Judgment, should not be proud and haughty, and should not be disdainful and disrespectful to the Priesthood and the King—he should not appear either pleased with the good, nor displeased with the bad, but must maintain Equanimity—he should not be talkative or pronounce words of insignificance, but must utter only what is appropriate and necessary—he should imagine no evil, but be intent on doing good—where a Priest is a Suitor, he should not inquire who was his Preceptor, who was the Upaadya, who ordained him to the order of Upasampada—who his Pupils are—he should not make inquiries touching.—

Severity and Lenity should be evinced on befitting occasions—In the course of Investigation, he should be gracious and disposed to do good and not be influenced with a desire of inflicting evil—he should conduct the trial in serenity and mildness, but not in Anger and intemperate impatience—whispering should not be tolerated in the Council nor sidelong looks—nor must the Judge wink or nod significantly at the Suitors—nor should he by the shaking of his head or knitting of his brows allow his thoughts to be guessed—he should circumscribe his view to about the extent of a fathom, and not extend his gaze to object beyond that distance in any direction—He should be pertinaciously careful in examining the statements of interested persons and of those who are noted for cunning and falsehood, but it is proper that he should be affable and mild in interrogating those who are veracious and void of guile, and those are agitated and timid because of their simplicity and ignorance must be encouraged by kind words—Moreover the righteous Judge should be enduced {endowed} with many other good qualities, and he must strictly adhere to the Dictates conveyed in the Sacred Sermons, their context, and the commentaries thereon—for thus it is enjoined. "The diligent Judge shall administer Justice in strict conformity to the Rules of the Soottree, and the Wineye, and their expositions and commentaries."—

"That which is recorded is of greater importance than oral tradition, therefore the written Rules must be duly enforced."

Owing to the ignorance and misconduct of Individuals the observances of their Preceptors in former generations may happen from time to time to be infringed, but the Pali Sermons recorded in books are not liable to perversion, but will remain pure, therefore it is here enjoined that the Pali Text must be made the invariable Rule of Judicial Investigation.—

I

With respect to Gifts or Donations, the following are the Rules laid down in the Pali Text, and the Interpretations and Definitions thereof.—

On the Donor declaring his Gift in this form, "This unto thee I do give" or *grant*, *bestow*, *alienate*, transfer or *concede*—"Take thou" and the Donee replying "I have received" the Gift becomes perfect and the acceptance perfect.—

This applies to transactions where the Donor and the Donee are both present—If they are not in each other's presence the Donor should express himself thus "To the person of such a name (mentioning him) this do I *give* or grant, bestow, alienate, transfer, or concede."—

An unavailable Gift, and invalid acceptance are thus explained—If the Donor said "Appropriate it unto thyself" or "Be it appertaining to thee" or "May it become thine"—And the Donee answered "I have appropriated it unto myself" "Be it appropriated to me" or "I have made it mine" the Gift is imperfect and acceptance imperfect—for the Donor knew not the proper form of making the Donation, and the Donee was ignorant of the form of receiving it—But on the Donor saying "Appropriate it unto thyself" if the Donee replied "Good my Lord, I have received it" then the acceptance being perfect, the Gift shall be available.

A final Gift is irrevocable, the Donor cannot, upon any provocation resume what he had once given away, after he had relinquished the desire of retaining possession thereof—In case of such resumption, the value of the thing so given and resumed shall be duly ascertained—that is to say it should be ascertained whether the value of the Article so resumed amounted to a Padaarha or a fourth of the current gold coin of the Realm, for if it did, the inconsiderate Priest who resumed his Gift, will incur Parajikaa or *loss* of Sanctity, and be subject to expulsion from the Priesthood—but if it did not Amount to that value he will be subject to a minor penalty.—

Priests.

In the lifetime of our great Gowtama Buddha, when the King Bimbisaara reigned in the City of Rajagaha, one Dhaneeya Teroonnanse (who was of the Potter's Caste by birth) removed a quantity of Timber from the King's Store, falsely alleging that the same was given to him, and he therewith built himself a habitation—the theft being afterwards discovered, the King reproved the said Teroonnanse, whose guilt was

also published by the Inhabitants who observed that since the Sovereign himself was so little regarded or feared, the possessions of his Subjects were no longer secure—These facts being reported to Gowtama Buddha he sent for and interrogated the said Dhaneeya Teroonnanse, and he having confessed his guilt, was severely reprehended, and Buddha then promulgated the commandment against the taking of another's property without a gift being made thereof by the owner.

The words of the said commandment are these. A thief is liable to be seized by the Ruler, to be reviled and called a thief and a fool, and to be doomed to imprisonment, banishment and torments—And a Bhikshoo who should take anything which was not given to him, be it from a Village or from a Forest, will incur Paaraajika and shall consequently be excommunicated, provided the value of the thing thus stolen amount to a Padarha.

The Six acts of dishonesty which cause Paarajika are declared by Buddha to be the following—vizt., Assuming, Removing, Withholding, Diverting, Displacing, and Evading.—

If a Priest has merely laid claim to another's property, he will thereby have incurred the minor guilt of *Dukkata* and when the true owner of such property shall become apprehensive that the unjust claimant will eventually succeed in dispossessing him, his guilt will become magnified to the second degree called *Thulasi*—but neither of these degrees of delinquency will cause *Paarajika* or total loss of Sanctity—but if the unjust claimant should actually assume possession of the disputed property, and the true owner shall have relinquished the desire of possessing the same, he then will have become a delinquent in the last degree, and incur Parajikaa, and consequently the penalty of expulsion—The delinquent can never recover his lost Sanctity, even were he to restore the property to the rightful owner—If several Priests were joint claimants for such property, they will all be obnoxious to the like penalties.

These three grades of delinquency, Dukkata, Thulasi, and Paarajika are applicable in discriminating the magnitude of guilt in all cases.—

The claim being for Land, and the suit still pending the rightful owner also not having relinquished his desire of possession, and the claimant though conscious of the injustice of his claim yet appropriating to himself the produce thereof, the value of such appropriation shall be ascertained—if it amount not to a Padaarha, the claimant may be absolved of guilt by making restitution—yet if the unjust claimant should

afterwards obtain judgment in his favour before the Tribunal which tried his case, he will become utterly parajika.—

And not he alone, the unjust claimant incurs Paarajika but all those who knowingly favoured his design and aided him in his purpose, the iniquitous judge and the false Witness, being Priests being equally guilty—provided the rightful owner of the property in dispute, has relinquished the desire of further possession, which circumstance must be ascertained.—

The assumption of so much as a hair's breadth of another's Land, by means of setting up stakes or stones or forming embankments, will cause Paraajika—as it is thus set forth.—

"Land is invaluable—therefore, if any person appropriates to himself so much as a hair's breadth of Land belonging to another, by means of setting up even a single stick, whether it be done in the owner's presence or in his absence, he the unjust appropriator, with all those who aided him therein, become Paraajika at the moment of setting up the stakes or other landmark whether the same have the usurper's name marked upon it or not (provided however that the party from whom the land was usurped has relinquished his desire of possessing the same).

In cases also where timber &c. were cut in the King's forest, or in other people's ground, the value thereof shall be ascertained.—

Paarajika is incurred immediately upon the cutting down of even a single large tree growing on another's ground and likewise on the removal of prepared timber, thatch, &c. from the premises of another.—

If a Priest should remove any flax, bark &c. the same being yet desirable to the owner, the value of the thing removed must be ascertained.—

Parajika is incurred by causing the loss of a padarha worth of grain to another, by means of diminishing the usual supply of water to his field, provided the injured party relinquish the desire of indemnification.—

A Bhikshoo also incurs Parajika by diverting a stream of water in a season of drought from the channel through which it flows into another's field the same being then under crop—and clandestinely turning the water into his own or some other person's field—but such penalty will not be incurred if the Bhikshoo fetched the stream from the Original source into his own field through an old channel such being the usual medium.—

Paraajika does not ensue on a Priest obtaining a Gift or Donation of Property belonging to the Sovereign—Such property however will be unavailable if it had been applied for by the said Priest, without previous permission to make the Application—but if the Application followed a permission to prefer it, the property so obtained will be available to the Donee.—

Removing

If a Priest having received a Robe or Patra or any other Article from his Preceptor or from any other person for the purpose of conveying it to some place—and while carrying it on his head or upon his shoulder, or in his waist or his hands, should design to appropriate it to his own use, and if he should by the impulse of such fraudulent intent, remove it from the place in which he was carrying it, he will thereby incur Parajika—If he was carrying the article by desire of his Teroonwahanse and with a fraudulent intention remove it from the place on which he was bearing it, he does not incur Paarajika, but if he deviated from the path in which he was travelling with the property or proceeded with it beyond the precincts of the place to which he was commissioned to carry it, he will thereby incur Parajika.—

Withholding

If a Priest to whose custody property had been entrusted, should afterwards deny having received it, and refuse to deliver it up to the owner on his demanding it—and if the owner should despair of recovering his said property and consequently forego the desire of repossessing it—such dishonest Priest will thereupon incur Parajika.—

Diverting

If an Upasampada Priest on meeting a person who is the bearer of property, should design to possess himself of the property, and in order to effect his design should by words or other means cause the said person to deviate from his designed path, were it but to the distance of two paces he will thereby incur Paarajika.—

Displacing

Should a Priest with a fraudulent design, displace the property belonging to another, or a hidden treasure—or move it but a hair's breadth, he thereupon become Paarajika.—

Evading

Should a Priest in passing a ferry or guarded Gate or any other Toll gathering place, evade paying the established tax and cause the loss of a Padaarha or 2½ Ridies to the Royal Revenue, he will thereby incur Paarajika—and will also incur such forfeiture of Sanctity by clandestinely mining for gems or diving for pearls—but if

he had searched for pearls and precious stones or hidden treasures with a pure heart for the purpose only of accomplishing meritorious deeds, he will not have thereby incurred Paarajika.—

Parajika will also be incurred by a Priest clandestinely swallowing one morsal* of food or one draught of liquid, such as ghee &c.—but not unless it were worth a sum sufficing to cause such loss—and also by clandestinely drawing out of water, property belonging to another and concealed therein—also by taking fish or tortoise out of a pond which others had stocked therewith, or which other had killed therein by poisoning the water and which were found floating—provided such fish &c. were worth the amount of a Padarha or 2½ Ridies—However if he had taken them under the belief that no person owned the fish &c. or that the same was rejected and cast away, he will not incur Paraajika—nor will he incur Parajika although he had clandestinely taken such fish and if the same he had been actually left rejected, in as much as it was the refuse of others.—

Paarajika will be incurred by loosing,* with a fraudulent design, the ropes whereby Ships or Boats &c. were moored in a River or other running water—but if he unmoored the vessel merely for the purpose of crossing the stream therein, he will not incur such penalty—If he had pushed off the vessel from its mooring, or caused it to founder, he will thereby incur Paarajika—On the driver of a Car alighting from it for some purpose, if the cattle should without remaining quiet proceed dragging the car along, and a Priest there meeting with the vehicle should get into it and keep his seat therein without restraining or impelling its progress until the cattle stopped of their own accord, and should then sell the vehicle and Cattle while the Animals stood still, he will not thereby incur Paarajika because he had made no exertion nor practised aught with a design upon such property—And in the event of the owner afterwards making his demand, the Priest may acquit himself by giving up the amount which he had received for the car and the Cattle—but he will assuredly incur the penalty of Parajika if he by personal exertion drove the Cattle and conveyed the car to the place where he disposed of them.—

Parajika will not be incurred in consequence of a Priest claiming or appropriating to himself a Wihare, or a detached Edifice, or a cell, great or small, which had been dedicated to the Priest's journeying from the four quarters—*i.e.* to the whole Priesthood in common for the

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**Sic.*

appropriation cannot become perfect, because the whole Priesthood did not unanimously relinquish the desire of possessing the same—It is impossible for an Individual to take what is Saangheeka *i.e.* belonging in common to the whole Priesthood. This is the Exposition laid down in the *Paarajika pota* and in the Comment on the Winey.—

If a Priest should say give me this thing, and then appropriate such thing to himself, knowing that the same belonged to the Priesthood in general, whether it had been so dedicated by an individual of any of the 5 Sacerdotal Orders or by a laie, even by the said Priest's own mother, he will not be lawfully entitled thereto—but will in consequence of such improper assumption of the Property, incur that degree of delinquency, termed Pachiti.—

If the King in the plenitude of his power, should take a thing belonging to the priesthood in general and give it to some Priest individually, the gift will be an unjust one and the receiver therefore will be an unrighteous receiver—and it be known that the retention of such a gift is iniquitous possession.—

It is also declared in the *Sooloowaga* and *Palimuttaka Winey* &c. that anything dedicated to the community of one Wihare must not be afterwards given or caused to be given or appropriated to the community *Sangha* of any other Wihare nor to any two or three Priests in common, *Ghana*, nor to any Priest individually *Pudgala*, nor to any sacred fane *Chaitya*—Even the flowers cultivated for the purpose of being offered at one particular shrine, must not be offered at another—such Gift or Offering is designated "Iniquitous Gift" in the Pariwara Paatey.—

The *Wineya Winischa* says—Anything given to the Priesthood shall not be taken away or appropriated by an individual but must be consigned to the Priesthood—the withholding of such Gift by any Priest will cause Parajika.

In the case of a Priest who at the entreaty of the devotees of some Village had dwelt in Wass during the usual period of three months, and then in quitting that abode, authorized another Priest to receive for himself the Gifts which the devotees should give according to custom, and the said first mentioned Priest dying or quitting the Priesthood before the expected Gifts are accorded, such intended gift, anticipated for the deceased, cannot be appropriated by his said Assignee—but must devolve to the Priesthood in general—that is to say, if the assignment which the first mentioned Priest made to the other, of his anticipated Gift, had been made in the absence of the Devotees who were expected to contribute the

Gift—but if the first mentioned Priest had, previous to leaving his Wass residence, personally requested the Devotees to bestow the Gifts they intended for him, on the Assignee, then indeed the same will become acceptable, to the latter and may be retained accordingly—this Rule is set forth in the *Pali Muttaka Winey*.—

In the event of a Bhikshoo dying, without having disposed of his property, such property becomes appropriate to all the Priests who may have happened to be assembled at the place where he died, conformable to an Ordinance of Buddha—as thus declared, "O Priest, I ordain that after the death (of a Bhikshoo) the Sangha (Priests then and there assembled) shall become Proprietors (of the deceased's property) (*Mahawaga pali*).

Buddha has ordained the appropriating of the Patra, Cheewera &c. to those who had attended to nurse the deceased owner during his illness and infirmity—by these words O Priests, I ordain that the Priests shall give to those who attended as nurses, the Cheewera and the Patra—and the Priests there assembled shall divide amongst themselves the goods and necessary Articles of moderate value—and I also ordain that the goods and Articles of superior value shall not be divided or allotted, but retained in some place for the use of all the Priests in general, who shall come from the four quarters, those who were not present as well as those who were.—

Now, if a Priest had in his lifetime, relinquished the desire of further possession and then bestowed his goods on another—or if the friend of a Priest, under the sanction of the rights of Friendship had assumed to himself the goods of that Priest, the Donee becomes absolute property and so does he that had assumed the property—Whatever the owner shall have given to the person who nursed him in sickness shall belong to each Donee—such property as the owner may have left undisposed of shall devolve to the Priests of the Wihare wherein such property is deposited.—

Goods belonging in joint propriety to two individuals (Priests) in the event of one of them dying, devolve wholly to the Survivor the same rule applies to property belonging to more than two owners—in the event of all of them dying, the goods will devolve to the Priesthood in general.—

A Gift verbally made in favour of the Saddhiwiharika and other pupils, but without actual distribution and delivery of the goods to them, will not avail—but the Gift will be perfect and available if the

goods were actually allotted and delivered consequently at the death of the Donor, such goods will devolve to the generality of Priests, but will be appropriated to the several Donees.—

Now in the event of an Upasampada Priest, dying, or if he relinquish his robes, or declare that he has retrograded to the Samaneira order—or if he has ceased to fulfil the appropriate obligations of an Upasampada, or incurred Parajika, or became in one or more degrees guilty of the crime of Theiya Sangwaasa, all the goods belonging to him such as cheewera &c. at such period will become the Property of the generality of the Priesthood he will have forfeited all right even to the least share thereof.—

This is shewn that what was acquired during the period of his Sanctity is forfeited to the Priesthood in general when he becomes profane or has incurred guilt.—

Note.—In the case of the Elladetta Sewooralle *vs.* Yattangwela M. N. U. decided August 29, 1831—After the decision of this case Pff. claimed to get back certain property which he was obliged to leave behind him at the Asgiri Wihare when he was disrobed and expelled therefrom—previous to granting an order, the Court made enquiry at both the Wihares whether Pff. had a right to such property (which consisted of Yellow robes, money &c.) or if he had not forfeited the same at his expulsion—the Priests of both Establishments replied in the negative, and averred that if the Priests should appropriate to themselves such property, they would incur the delinquency of Dukkata Adpatya—Pff. accordingly got back his property; upon granting a proper receipt to the Chief Priest.—

There are three descriptions of Criminals, called Theiya Sangwaasaka—Vizt.

Lingathenaka—One who had attired himself in the Priestly garb of his own accord, without due consecration and investiture by a Preceptor.—

Sangwaasathenaka—is one who fraudulently obtains ingress amongst the Upasampada, pretending to be of that order, and presuming to join in communion with them at the performances of the Sacred Offices of Pooya Pawaarema &c. while in fact he was never so ordained or had forfeited his Sanctity by incurring Paarajika—This is declared in the *Winey Attoowawe* and in the *Winey Sangraha*—thus if any person having

been only made a Samaneira by a Superior Priest, should travel to a distant country where he is a stranger and there assert that he is an Upasampada of 10 years standing thereby presuming to reckon for himself a Sacerdotal age, falsely, and so receive homage from true Upasampadas; and see them rise from their Seats at his approach, and should he moreover presume to join at the communion of Pooya Pawaaruna &c. he will become thereby a delinquent called Sangwasa Theneka, (Sangwaasa Association, Thenaka thief).—

The fulfilment of five particulars is absolutely requisite to the constituting Upasampada—Vizt. 1. The Candidate for Ordination thereto, must have attained the full age of 20 years—2. The formula called Nyatti Waakya must be recited with perfect precision and correctness and likewise the three (3) Anoosaawana Waakya—the solemnity must be performed within a perfected (4) Seemawa or boundary and every Priest within the sacred pale must be (5) Stationed within 2½ Cubits from the next—if any one of these five particulars were neglected or infringed, the ordination will be of no avail, and one who was ordained under such imperfections, and shall yet pretend to be a true Upasampada, is in fact a Sangwaasa Thenaka.—

Ubhayathenaka is one who was neither initiated into the Priesthood by a Preceptor, nor was ordained to the Upasampada in the perfection of the five particulars, and yet assumed both characters.—

Upon strict inquiry, when any person shall be detected as a Thenaka, in any of the true modes here specified, and shall thereupon be unrobed either by the holy Priesthood or by the Rules of the Country, all his goods will devolve to the Priesthood in general—and Buddha has thus ordained the expulsion of such offenders.—

"O Bhikshoo, a Theiyasangwaasaka of the Samaneira order must not be afterwards ordained an Upasampada, and one of the latter order who after having incurred parajika, still pretended to sanctity, shall be divested (of his sacerdotal dignity)" this is laid down in the *Mahawagga Pali.*

The guilt of Theiya Sangwaasa, or communication of an hypocritical delinquent with those of established sanctity, is an offence of greater magnitude than any other which induceth parajika—a Bhikshoo who had incurred Parajika, although he cannot on that account be restored to the Upasampada, can yet be again ordained a Samaneira—but deceivers, who stole into communion, are utterly disqualified, and must not be admitted into either the Samaneira or the Upasampada order—they must necessarily be excommunicated.—

A dwelling place out of repair and ruinous being given up by the Sangha (four or more Priests) to another Priest individually for the purpose of being restored and refitted, and to be held as the personal property of the Donee—Such gift being made from considering that if maintained in repair, the edifice might at least serve to accommodate a Priest who may be occasionally travelling that way and afford room for keeping the Pirikara and other necessaries of Priests—If the Donee having accepted of the Gift repaired and occupied the house he will have a right to bestow a half or a third thereof on his pupils, but if he should die without having made any such disposal, the whole edifice will revert to the generality of the Priesthood and again become Sangheeka.—

Pupils are of four classes—vizt. Pabbajjante Waasika—Upasampandante Waasika, Nipayante Waasika, and the Dhammante Waasika.—

The first is one whom his Preceptor had instructed into the Samaneira order and made Prawarjja (pure divested of sin).

The second is one whom the Preceptor advanced to the Upasampada, although the pupil may have previously been a Samaneira pupil of another Tutor.—

The third is one who for five years or more had diligently attended and served his venerable preceptor from esteem and veneration towards him, although he may have been raised to the Upasampada by some other preceptor.—

The fourth is one who for the sake of acquiring religious knowledge attached himself to a Preceptor, although he had previously belonged to other Tutors.—

Pupils are also designated Samaneira Saddhi Wiharika and Upasampada Saddhi Wiharika—the former is one so called in relation to the preceptor who made him a Samaneira—the latter is one so called in relation to the Upaadya or instructor who consecrated him into the Upasampada order.—

Pupils of any of the designations can become entitled to such property only as their preceptor actually gave to them—If the preceptor died without making a Gift of his property, the same must become Saangheeka and devolve to the generality of Priests.—

If a Priest build a Wihare with materials procured by himself but upon Saangheeka ground (*i.e.* ground belonging to the whole Priesthood) he will only become entitled to a half of the edifice—the other

half will become Saangheeka—If the materials wherewith the building was constructed, were also Saangheeka property, then the builder will become entitled to one-third only of the edifice, the other two parts will be Saangheeka—this is set forth in the *Winey Atoowawe*—If the materials were the products of a Wihare (land) he (the builder) will be entitled to a half of the edifice.—

Again if a hollow place be filled up and a Wihare built upon the spot which had been previously of no avail, the Sangha in general, will not have a controul* over it.—

If a Bhikshu should remove rafters &c. from a Saangheka Wihare and adapt them to some other edifice, and the latter should be appropriated to the use of the Priesthood in general —in the event of loss or damages, he the builder will not be liable to make good the materials aforesaid—if the material in question however remain sound and undecayed, they may be restored on demand—but if the builder had appropriated the edifice to his own proper use, then in case of loss or damage he will be liable to make compensation.—

If Doors, Windows, Stones, &c. were removed from a Saangheeka place and adapted to some other structure, whether Saangheeka or individual Property, such Articles must be restored to the former place—Such is the rule prescribed in the *Winey Atoowawe* and *Winey Sangraha*.

If seed, corn &c. belonging to the Sangha be sown upon ground belonging to an individual, or *vice versa*, one-tenth of the crop produced should be rendered as Saangheeka.—

On an occasion of donations being made of sacerdotal property, by the Priests assembled, or pursuant to their directions, or by the Warden of the Araame, or when donation are* made to Laymen's property by the owner himself or by another in compliance with his directions—If any (Priest) shall fraudulently personate another, or pretend to be representative of another, and thus obtain a share of the gift, he ought to restore the same on pain of incurring Parajika.—

Supposing a Terunnanse had entrusted a cheeura or other necessary Article to the care of an Upasaka, and the owner's Pupil or any other Priest having intimation thereof goes to the house and pretending to be sent for the purpose, fraudulently gets the said cheeura or other Article from the trustee or from some other person of his house—As soon as the Article is delivered, the receiver incurs parajika—but where a pupil

* *Sic.*

by thus pretending to be commissioned, gets possession of a cloth &c. from the Upasaka who had laid it by, with intent to make an offering thereof to the preceptor, such pupil does not incur parajika—because it was delivered to him by the owner, and he can by restoring it on demand, exonerate, himself—but if on the demand being made, he should refuse to restore it, then indeed does he incur parajika.—

A journeying Priest coming to the abode of a stationary Priest and there depositing his Cheeura or other Pirikara, and under supposition that the resident Priest would take care of the same during his absence goes out to the bath or for any other purpose and the said Pirikara is stolen in the interval of his absence, the resident Priest is not blameable, he not having engaged to be answerable for the things deposited—but if the resident Priest had undertaken to keep the Pirikara until the owner's return, or had in the absence of the latter, removed the same from one place to another, then in the event of its being lost he will be liable to blame and must make compensation.—

A Priest having charge of Sangheeka Property, or of Property belonging to a Chaitya or sacred place—if he should quit the place where the same is in deposit from any other cause than sickness, in the event of such property being lost during his absence he shall be accountable for the same, if his absence appear to have been protracted for his own amusement &c.but if the depositary had been seized by thieves and the property forcibly taken from him he shall not be accountable.—

If a number of Bhikshoos or Upasampada Priests conspire to enter a house by breaking through the roof or the wall, and to steal the goods therein and accordingly proceed thither—if one of their number should then in perpetration of their design, seize any of the goods therein and the same be worth a Paadarhe, all the accomplices will have thereupon incurred Paarajika.—

Moreover another subtle and difficult Rule for judging of Parajika is the following.—

Should one Priest advise another to rob some certain person whenever a fit opportunity be offered, and if this other Priest, being guided and influenced by such instigation, should actually commit the Robbery but without at the same time incurring personal danger and peril, but effecting the robbery through craft and cunning—On the completion of the crime it will have retroactive effect and inflict parajika on the instigator at the moment he instigated the crime.—

This is termed Intent—fulfilling Robbery, because the perpetrator fulfils the crime designed by the instigator—but the ascertaining of these facts is attended with great difficulty.—

(Five holy Bhiekshoo are competent to ordain a candidate to the order of Upasampada, but lest some may have incurred Parajika in petto by having instigated a theft which should eventually be perpetrated, therefore in there* degenerate times, as many Bhikshoo as can possibly be called together, are assembled to assist at each solemnity.)

Moreover the following shows how Parajika is incurred by overreaching a Trader.—

When a Priest shall deceitfully purchase at a low price, from a Merchant, an Article which the purchaser knows is of higher value, it must be ascertained whether the said article was worth a Paadaarhe above the price paid for it—and if it was worth that Amount over and above the purchase Amount, he will have incurred Parajika—as is declared in the *Paali Muttaka Winey*—Five Ridies is the sum of a paadaarhe, as regulated by Buddha when he dwelt in the City of Rajagraha—but in this Country the estimate of a paadarhe has been reduced to 2½ Ridies and recorded in the Bana as preferably applicable to poor Countries.—

Moreover those that sit in judgment in cases of Adattadaana (Larceny and Robbery) must ascertain the quality of the goods stolen, the period and the Country where the crime was committed and the value and utility of the Goods—these five points are directed to be investigated in the *Winey Attoowawe*—that is, it must be ascertained 1st: Whether the goods had or had not an owner—2d: Whether the Theft was committed at a period or Season when the value thereof was enhanced or abated—3d: Whether the goods was* stolen in the Country where the same were produced, or in a foreign Country into which they had been imported—4th: Whether the stolen goods were new and accordingly worth the usual price, or whether they were old and damaged and consequently of less value—5th: Whether they had or had not been used and worn.—

These are the Rules whereby to judge of paraajika and the minor delinquencies incurred in transactions relating to land, to property belonging to the Priesthood, and in the fraudulent assumption of property belonging to others.—

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* *Sic*.

Sir John D'Oyly's Notes on the Kandyan Law of Inheritance.

If a man die leaving a wife, a son and a daughter, his moveable property goes to his wife*, his Lands to his son—but the son is bound to support the two Females—if they complain that he fails, the Judge will allot to the widow from the produce of the Lands (if persons of common condition) four and a half Ammonams of paddy and two Tuppotties of 16 or 18 cubits (Tadooppoo, if very low—coast cloth, if higher) per Annum—He is bound to support his Sister, if she depends upon him, but it is not customary to assign any such fixed allowance to her.

If there be many sons, the Land is equally divided amongst them.—

If one of them die without wife or children, his share is equally divided among his Brothers.—

If a man die leaving a Father, and also a Wife and children, his own acquired lands and goods go to the latter—Lands obtained from his Father even by regular Gift Olah, revert to the Father—Lands from the Mother.....Because any Gift of Land, even by regular Deed, and possession, is resumable by the giver at any time before his death, and grantable to another.—

If the wife dies leaving a husband and children, all property acquired from her husband reverts to him—by herself (from her parents or otherwise) goes to the children—everything acquired during coverture goes to her husband.—

Everything acquired from her parents, to her parent's relatives.—

If there be none within three generations, the property is by right forfeited to the Crown.

During her lifetime, the wife's acquired property, is at her own disposal, and her husband has no power over it.—

If she leave a son and a daughter, her own landed property descends as the paternal, to her son or sons, not to the daughters.—

If a man die leaving a wife without children and Brothers or Sisters his Landed property belongs to the widow during life, provided she remains in her husband's house—but she cannot dispose of it.—

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* The Chiefs do not admit this—they only allow her the usufruct of the moveable property so long as she strictly observes those things which the Law enjoins to widows —but if a division of moveable property becomes necessary in her life time, she gets only an equal share with each of her children. S.S.

If she marries again the Land goes to the Husband's Brother, or in failure of brothers, or brother's children, to the Sister—and the same at the widow's death.—

If a man die, leaving sons and a son's children, male or female, the son's children receive amongst them the share of their deceased father—and if a son having inherited, die without children, the same.—

If a man die leaving a son and a daughter's son, the son inherits the whole landed property.—

If a man die leaving a daughter, and a daughter's son the landed property is equally divided between them.—

If a man die, leaving a daughter's son, and a daughter's daughter, the landed property is equally divided between them.

If a man die, leaving a son's daughter, and a daughter's son, the son's daughter inherits the whole landed property.—

Note.—This must apply only to the son of a daughter married in deega otherwise, if it were the son of a daughter married in Beena, he would receive two-thirds and the son's daughter one third—but they being marriageably related, would be considered to have the property between them as man and wife.—

If a man die without Parents or children, leaving a brother and sister, or Brother and a Sister's son, the whole goes to the brother..... Brother's son and Sister, the whole goes to the brother's son, or even daughter.—

If two or more brothers.....

If a man leave two sons by one wife, and one by another, his Lands are equally divided among the three—his goods are divided equally into two parts.—

Note.—The Assessors do not admit this last position—they say the goods should in this case be divided as the lands.

S.S.

If he leave a son by one wife, and a Daughter by another, the whole Land descends to the son, the goods are divided into two.—

If a woman bear a son to two Brothers, and one of the Brothers afterwards marry another woman and have a son and die, his property is equally divided between the son of the common marriage, and his own

son—The whole property of the other Brother goes to the son of the common marriage, who thus inherits three fourths of the joint property of the two Brothers.—

If he have two sons by the second marriage, it must be divided into three.—

If a man die leaving a Sister, a Father's brother, and Father's Brother's son, his property tho' inherited from his Father, devolves to his Sister—or Sister's son or daughter.—S.S.

If a man die leaving a Mother and a half Sister (born to his Father of a first Wife) his property, tho' inherited from his Father goes to his Mother—And if the Mother has a son by a former marriage, the property on her death goes to her Son, *i.e.* to another Family.—

> *Note.*—The chiefs saw that the mother has only a life Interest in the property, and at her death it goes to the Daughter of the husband to whom it originally belonged.
>
> S.S.

Slaves and cattle descend as Landed property, and cannot be taken away by the Wife—They descend as goods, and an equal share inherited by sons and daughters.—

If a man die unmarried and without Parents or Children leaving a Father's Brother, or Sister—or Brother's or Sister's Son—Also a Mother's Brother or Sister, or their Children, his own property.....his paternal to the paternal Relations, his Maternal to the Maternal.—

> His Maternal Grand Mother, and after her his Maternal Grandfather—failing the Maternal Grandfather, the paternal Grand Mother, and failing her the paternal Grandfather—Maternal Aunts and Maternal Uncles—failing them, to the paternal Uncles, and after them to the paternal Aunts—failing them to the Maternal Aunt's children, failing them the maternal Uncle's children, and failing them the paternal Uncle's children, and failing them the paternal Aunt's children—failing them the Maternal Aunt's Grand Children, failing them the Maternal Uncle's Grand Children, and failing them to the paternal Uncle's Grand Children, and failing them to the paternal Aunt's Grand Children—And in all the above Cases, where there is more than one relation on the same degree of propinquity, they are to share alike.—

If he die leaving his Father's Uncle's Children, or more distant relatives on the Father's side, and a Mother's Brother or Sister, or their Children . . . . .

If he die leaving his Mother's Uncle's Children, or more distant relations, and a Father's Brother or Sister, or their Children . . . .

If a man die leaving a Father and Mother and Brother, but no children, his Land acquired either from his Father or Mother revert to them respectively, his own acquired Land to his Father, his Cattle, his money, and Moveables to his Mother.—

The Chiefs say, both the acquired lands, goods, and cattle go all to the Mother.

N.B.—The Chiefs say that both Parents have an equal life Interest only in the property—the property must ultimately go to the Brother—S.S.

If he leave only a Father and Brothers, his Land and goods go to his Father—for life only. S.S.

If he leave only a Father, Sisters or Sister's son, the same—for life only. S.S.

If he leave only a Mother and Brothers, his Land and goods though inherited from his Father . . . .

the mother will have a Life Interest in the whole, but it must ultimately go to the sons.—

If he leave only a Mother and Sister or Sister's sons, the same.—

do. but the son of a sister having a husband in Beena, that son would inherit the whole—If only Sisters and Brothers, the Land goes to the Brothers, subject to the support of the Sisters, if destitute—the moveable property must be equally divided among the Brothers and Sisters.—S.S.

If a man die leaving a Father and Mother, a Wife and Children, his own acquired property go to the latter.—

Property acquired from his Father or Mother revert to either respectively.—

Property acquired from his Father's Brother gratuitously reverts to him—if sold, he can take it from the children, paying the money—no—not if finally sold. S.S.

If a man die leaving a Father and Mother and Brothers and Sisters, property acquired from either of his parents reverts*—if he has no Father, both to his Mother—if no Mother, both to his Father**.—

*The Chiefs assent. S.S.

**But only a Life Interest—It must be kept for the Brothers and for the Sisters married in Beena.—

If he has no parents, his Land to his Brothers equally—If no Brother, to his Sister or Sisters equally.

If a Man die without Father or Mother, Land or property derived from either, reverts to the relatives respectively within three generations.—If there be no relations within three generations, it goes to the Crown.—

If there be relations on the Mother's but none on the Father's side, his Mother's Estate goes to his relations on the Mother's side—His own acquired property goes to the nearest Relations on either side.—

If one on each side equally distant, it should be divided between them.—

This is denied by the Chiefs—They say that the acquired property goes first to the maternal Grand mother.—

The property of the wife is separate and entirely at her own disposal, and her husband has no power over it.—

The proprietor of the Land can dispose of it to strangers and disinherit his own children, but must reserve sufficient for the support of his wife during life, in case she do† not marry again.—

If they have no children, the wife if she does not remarry or leave the husband's house, has a life Interest in his Estate—but loses it, if another husband Binne bahinawa.

If he leave Brothers, and the children of Sisters, the property goes equally to the Brother's and the Sister's children—If he leave Sister's and Brother's children, hereditary property to Sister's and brother's children, one half to the Sister and the other half to the brother's sons—If they were the children of two Brothers, one third to the Sister, and one third to each of the deceased Brother's children.—

† *Sic.*

N.B.—It is to be understood the Sister above alluded to, is one living at home—for the Sister married out in deega, would have nothing but a right to maintenance in the event of becoming destitute, unless her brothers and Beena Sister had died without issue—in that Case, she would get the whole.—S.S.

The Law of the Inheritance being fixed by no written Record, it may be imagined does not comprehend very minute or remote cases, but those only which are of daily occurrence. I have collected the above Rules, which seem to be generally acknowledged.—

(Signed) J. D'Oyly

Cingalese Law of Inheritance

Single Persons.—If their Parents are living, the whole goes to them, to the Exclusion of Brothers and Sisters.—

If one Parent is living, the half to that one, and the other half equally among Brothers and Sisters.—

If no Parents, the whole to Brothers and Sisters.—

Their Children share equally the share which their Parents, if living would be entitled to.—

Married Persons.—Half goes to the Survivor—the other half amongst Children—On the death of the Survivor, the whole to the Children—If no Children then the same as in the case of Single persons.—

Persons cannot alienate by will from their Children or parents, more than one sixth of their property.—

If no Children or Parents, they may dispose of one half from Collaterals.—

(Signed) E. Tolfrey

In the Accredited Agent's Office.
Ratnapoora. 13th: August 1826.

Present—G. Turnour Esq., Agent of Govt.
Mahawalatenne Dessave.
Doloswela Dessave.
Delgoda Basnaika Nileme.
Walandure Mohottalle.
Watte Mohottalle.
Palupe Koralle.

The Agent of Govt. informs the Chiefs and Headmen in attendance that he has called them together as being the best informed persons in the Province regarding the former usages of the Country and the most practised Assessors in the present Court, to take their opinion as to the extent and nature of the rights of Widows to the Estates of deceased husbands.

These rights have been variously represented hitherto by different Headmen while officiating as Assessors in the Court—This diversity of opinions has in some instances lead to contradictory decisions being made within a few days of each other, and has also being the unavoidable occasion of some of the Decrees being reversed, and others altered in the Appellate Jurisdiction of the Judicial Commissioner's Court.—

The object the Agent has in view is to define by the opinion of the Majority of the Assessors, certain general principles which shall be the guide of the Court in its future decisons, to be deviated from in such especial Cases only as would be considered allowable exceptions to any other general Rule or Law.—

The Assessors after fully discussing the several points separately brought under consideration, concur in pronouncing the following to be Rules by which succession of Widows and Children to the landed property of Husbands and Parents, was most generally regulated during the late Government.—

1st. The legal wife of a landed Proprietor, succeeded to the whole of the Husband's Estate, if he died intestate and without issue, although he might have left Brothers or other kin.—

2nd. Children who survived both Parents equally shared their Family Estates—If the children were of the two marriages, each family inherited the exact half of the property, whatever the number of children each might be.—

3rd. If the Widow was a second wife and her husband had left children of the first bed, one half of the Lands went to the first family and the Widow's right was confined to the other half.—

4. If the Widow was proceeded against by her own children (whether she had succeeded to the whole of the Estate or the half of it, the other half being held by the first family) they were adjudged the exact half of the Lands she might be possessing.—

5. The portion, whether the fourth or the half, so assigned to the widow, or the whole Estate if her husband had left no issue at all, she had the power to dispose of by sale or otherwise in perpetuity, as long as she had not formed a subsequent Deega Marriage—She could however so dispose of that portion or the whole of the Property, even when avowedly quitting it to settle in Deega elsewhere—On default of making a written disposal thereof, it reverted to the children of or next of kin, to her deceased husband.—

6. A child adopted by both husband and Wife acquired all the rights of lawfully begotten issue—if there was no legitimate issue, the adopted child was entitled to the portion above mentioned as being the right of legitimate issue.—

7. A child adopted by the widow after the death of her husband, and having children, the issue of that husband, could only inherit the half of the portion of the Estate, reserved for the widow, her own issue succeeding to the other half thereof whatever the number of the adopted or legitimate children might be.—

8. A woman being married to several Brothers and one of the husbands dying, acquired all the rights before defined of a widow, to the said husband's portion of the Estate.—

9. Should she have borne issue before the demise of that husband, and while cohabiting in common with his brothers, that child participated in all the advantages above defined as the rights of children, in that portion of the Estate.—

10. These rights were assigned to widows as by their Deega Marriage they forfeited all claim to succeed to or retain possession of their paternal property as daughters—A man marrying in Beena with a woman possessed of Landed property did not thereby invalidate his rights in his own paternal property, he therefore acquired no title by his Beena marriage to his Wife's Estate—and on her demise his Interest in it ceased—His own issue by that wife, or her next of kin became her heir.—

11. A woman possessed of Land having had two families (both by Beena connexion) each was entitled to the exact half of the Estate, without reference to the number of children of each marriage.—

12. Should the husband who had formed a Beena marriage have had a family by a former marriage, on his paternal property; on his demise the half of the said paternal Estate went to his first family, and the other half to his children born in Beena (whether male or female)—and his 2d. Wife) should she be surviving.—

13. Daughters shared equally with sons in the Estates of either parent—and they only forfeited their right on marrying in Deega—they had not however the right (as widows had) of disposing of their portion before quitting the village in Deega—which portion reverted to her children born in Beena, and if she had none, to her Brothers, unless she was the only child, in which case she might possess the whole of her parents property tho' settled elsewhere in Deega, and tho' her parents might have other kin, or to dispose of it in perpetuity.

14. These Rules with respect to Widows, children and adopted children, all applied only to cases where the marriages were legally contracted, and the parties benefitted were of equal rank with the Land proprietors—Should the connexion have been a mere casual cohabitation, or the woman or adopted child have been of inferior extraction, the parties were only entitled to certain portions of the Estate, to provide a maintenance for them, according to the extent of the property, but the portions assigned could be disposed of by them in perpetuity.—

15. These Rules were also limited to intestate Estates—a Landed proprietor having the right to dispose of his property in any manner he pleased; reserving also any former assignment of the property for which no equivalent was received—excepting as regards a settlement made on the first family at the contracting of a second marriage, which settlement was irrevocable—altho' the proprietor at his demise might be still possessing the portion of the Estate so settled on the first family.—

(Signed) GEO. TURNOUR,
Agent of Govt.

Note.—The Chiefs here (at Kandy) are doubtful, and say that any gross neglect of filial duty or disobedience would authorise the parent to revoke such a Gift or Settlement made on the children of his first marriage.—

(Signed) S. SAWERS,
J.C.

MEMORANDA OF THE LAWS OF INHERITANCE

(Sawers' *Digest* p. 1.)

1. When a man dies intestate, his Widow and children are his immediate heirs—but the Widow, although she has the Chief Controul, and management of the Landed Estate of her demised husband, has only a Life Interest in the same—and at the death, it is to be divided among the sons, excepting where there is a daughter or daughters married in Beena (or at home). These (or rather their children) have the same right to a share of their Father's Lands as their Brothers.—

It is stated unanimously by the Chiefs who have been consulted, that a person having the absolute possession of real or personal property, has the power to dispose of that property unlimitedly—that is to say—he or she may dispose of it, either by Gift or Bequest, away from the Heirs at Law.—

Note.—To the unlimited power of disposing of Landed property, there was this exception—That Lands liable to Rajakariya or any public Service to the Crown or to a Superior, could not be disposed of by Gift, Sale, or Bequest to a Wihare or Dewalle, without the sanction of the King or the Superior, as the case may be, to whom Service was due—But some of the principal Chiefs who have strong bias in favour of the church, say that although it was required to have such sanction before the Lands registered in the Lekam Mittiya and liable to Service were made offerings of the Temples, yet it was not customary to annul them once made—And as in most instances it was only a part of the Service pangoowa which was offered, the Services for the whole Pangoowa remain upon the part of it which remained unoffered—Or if the whole was offered without Sanction, the Temple was obliged to perform the Service or pay the dues.—

2. The Widow of a husband dying childless, has the same Life Interest, and that only, in her husband's Landed property, whether hereditary or acquired, as the Widow of a husband who had died leaving issue—But the Widow being a Second Wife with issue, and there being issue by the first wife, the Widow or Widows must depend upon the shares of their children, unless the Children's share of one of the widows, should be insufficient for her support, and that of her Children—in that Case the Widow would have a temporary allowance out of the other shares.—

3. Daughters while they remain in their Father's house, have a temporary joint Interest with their Brothers in the Landed property of their parents—but this they lose when given out in what is called a Deega marriage either by their Parents, or Brothers, after the death of the Parents—It is however reserved for the Daughters in the event of their being divorced from their Deega husbands, or becoming Widows destitute of the means of support, that they have a right to return to the house of their Parents, and there to have lodging and support and clothing from their Parent's Estate—but the Children borne to a Deega husband have no right of Inheritance in the Estate of their Mother's Parents.

4. A Daughter, however, who may have been given out in Deega, should she after her return to the house of her Parents, with the Consent of her Family, get a Beena husband in the house of her Parents, the issue of this connection will have the same right of Inheritance of their Maternal Grandfather's or Grandmother's Estate, as the issue of her uterine Brothers.—

5. On the failure of the issue of sons, and of daughters married in Beena, the Father's Brothers inherit before the issue of the Daughters married in Deega; but the Deega daughter's children succeed before the children of Father's Brothers.—

Or thus—on the failure of the issue of the sons, and of the daughters married in Beena, the Deega married Daughter succeeds, but she having previously demised, the Brothers of her Father succeed before her children—but the Brothers being demised, the Deega Daughter's children succeed before the children of her Father's Brother.—

Note.—On this point there appears to be considerable degree of uncertainty—but the Chiefs seem pretty unanimously of opinion that where two Brothers have possessed the Family Estate undividedly the one Brother would succeed to the other in preference to the children of the other daughter married in Deega—but where the Family Estate has been divided and so possessed by the two Brothers, the children of the Deega married Daughter, would succeed to their Maternal Grandfather before their Grandfathers' Brother; but even in the first instance, the children of the Deega married Daughter, if they became destitute (but not otherwise) would have a right to claim support from their Maternal Grand Father's Estate, though the parveny right to that Estate was in their Grand Uncle's (Maternal Grand Father's Brothers).

6. A Widow loses her rights and life Interest in her husband's Estate, by taking a second husband, contrary to the wish of her first

husband's family—or by disgraceful conduct, such as glaring profligacy or adultery—or by squandering the property of her deceased husband—Any of those being proved against her by the children, would subject the widow to expulsion from the house of her late husband, and deprive her of any benefit from his Estate.—

7. The eldest son has no right to a better share of the Estate of his Parents, than his other brothers, and his Sisters having Beena husbands.—

8. A Daughter having a beena husband in the house of her Parents, her children have the same right of inheritance in the Estate of their Mother's Parents, as the children of their Mother's Brothers—but if the children of the daughter having a beena husband inherit any considerable Landed Estate from their Father, and in that case, their shares of their Mother's family Estate would be proportionately diminished.

9. A daughter married in Beena quitting her Parent's house with her children to go and live in deega with her husband, before her Parents' death, forfeits thereby for herself and her children, a right to inherit any share of her Parents' Estate (she having at the time a Brother, or a Beena married Sister) unless one of her children be left in her Parent's house.—

Note.—Some of the Chiefs are of opinion that the daughter previously married in Beena may preserve for herself and her children, her own and their claim on her parent's Estate, by visiting him frequently and administering to his comfort, and especially by being present, nursing and rendering him assistance in his last illness—And this would especially be the case where there were two daughters and no sons, either in re-establishing the right of one to the entire Estate against the other daughter married in Deega, or for a half of the Estate, should the other daughter be married in Beena—but should there be a son besides these two daughters—under such circumstances, and he living at home, in that case the son or his heirs would get the half of the Estate and the other moiety would be divided between the two daughters or their Heirs— but should the son have been living out in Beena and the Parent have been depending on his daughters and their husbands for assistance and support, in that case he would only be entitled to one-third, and the daughters and their children to one-third each.—

10. The daughter being the only child of a man's first, or second, or third marriage, will have equal rights with her Brothers of the half blood in her Father's Estate even if given out in deega.—

Note.—This rule is qualified by the Chiefs who say that there being an only daughter—or only daughters of one bed, though they would have absolute or paraveny rights in their shares, they would be entitled to inferior shares to their half brothers—commonly only half as much as their brothers.

11. Daughters before marriage, or returning from a Deega marriage, have an equal claim for maintenance from the shares of all their Brothers whether of the whole or half blood—that is to say, all the shares into which their Parent's Estate may have been divided.—

12. A daughter bearing children in the house of her Parents without having an acknowledged husband, such children would have a doubtful or weak claim to any share to their Maternal Grand father's property, and must depend chiefly upon the goodwill of their Uncle or Uncles—for support, and a provision out of the Grand father's Estate.

13. A daughter by conduct that brings disgrace upon her family would destroy her paraveny right of inheritance in the Estate of her Parents—but still she would have the right to support from the Estate of her parents, and could demand the same at Law from her Brothers.—

14. Daughters must accept the husbands chosen for them by their Parents—in the event of their being dead, by their Brothers, and must go out with them in deega—but in the event of such husband turning out badly, disinheriting her children, and compelling the wife to return to her Father's house, the brothers in that case are bound to make provision for their unfortunate Sister and her children out of their Father's Estate.—

Note.—Proverb—Women are born to three miseries or great evils—1st. To quit the place of their birth—2d. To the pains of child-bearing and 3d. To be under subjection to their husbands.—

15. The Grand children (whether the children of a son or of a daughter) have the same right of Inheritance in their Grand Father's Estate, that their deceased Parent would have had, had he or she survived, vizt: they are entitled to his or her share—and Great Grand children in like manner inherit through their deceased Parents.—

16. The only daughter of a deceased Brother or Sister, having had a Beena husband, is entitled to her Parent's share of the family Estate, nor does she lose her right to such share by being married in deega, unless she shall have been given away in Deega marriage by her Grand Father or Grand Mother—in this case she would lose her right of

Inheritance—but her being so given away by her Uncles would not deprive her of her right of Inheritance in her grand father's or grand mother's Estate, provided she shall duly perform the Public Service or Rajakariya.

17. A daughter having unauthorised intercourse with a paramour in her father's house, and bearing children, such children have no right of Inheritance in their maternal Grand Father's or Grand Mother's property—but the father being known, and the children acknowledged by him, they would have a claim of Inheritance in his paraveny property, provided that the paramour were of equal rank and degree with the Mother.—

The same customs regulate the succession to the Mother's as to Father's Estate.—

18. When a man has children by different wives, his landed property should be divided into two or more shares according to the number of wives by whom he has children—and each family should have one share without reference to the number born of each bed; that is to say—supposing a man to have two wives—if the first wife's family consists of three children, and the second wife's of one—the three children of the first wife will have one moiety of the Estate, and the only child by the second wife the other moiety.—

Note.—There is a difference of opinion among the Chiefs on this point—and indeed the majority consulted seemed to be of opinion that the property should be divided equally among all the children of the different beds—*i.e.* share and share alike—Of this opinion are Rattwatte 2d. Adigar—Doolleywe Dessave—Dehigama Diwen Nileme; Millewe Gajanaika N. Asmadaley late Atap{attu} Lek{a}m. Of the contrary opinion is Molligoda 1 Adigar—Mullegama D{issave} and Doloswela and Mahawalatenne D{issave} of Saffragam, and all the chiefs of that province—Doolleywe D{issave} states in support of his opinion the following case—"Nuwerawewe Mudianse died intestate in the King's time, leaving two sons by his first Wife, and one son by his 2d. wife both wives being alive, but dwelling in different Walauwes—The case came before the King, who decided that the Lands should be equally divided among the three Brothers share and share alike—the Widows having their Life Interest reserved to them in their respective children's share—This case was revised under the present Government in consequence of one of the two Sons of the first wife having

died without issue—Upon this, the son of the second wife sued for a fresh division of their late Father's property, or rather that his deceased half brother's share should be divided between him and the Brother of the whole blood—but it was decided by the Resident and the Chiefs, and confirmed by His Excellency General Sir Robert Brownrigg that no fresh divison of the family property should take place, and the share of the deceased Brother should go wholly to his whole Brother—Dehigama Deiven Nileme cites the following case, decided under the present Govt.—Kolongahapitiye Mohottalle left by his first wife one son—by his second wife two sons—and by his third wife two sons and a daughter—and when the children came to contest about a division of the property, the Lands were divided equally among the five sons, and the daughter was left to be supported out of the share of her two Uterine Brothers.—

19. Where an Estate is enjoyed undividedly by two or three Brothers, having but one Wife in common; on the death of one of the husbands and the Wife, or in the event of the Wife being divorced after the death of one of the husbands, the children being the issue of the joint connexion, can claim the share of their deceased Father, to hold it independently of their surviving Father or Fathers—After such a joint connexion as stated above, with issue, should one of the Brothers quit the joint connexion and take a Wife for himself alone, and have issue also by her, he dying intestate, his share of the family Property should be divided between the issue of his first Wife, which he had in joint connexion with his Brother or Brothers, and the issue of his sole Wife, each Moiety—nor has the Brother* who capriciously detaches himself from a joint connexion after issue born under the same, the power of depriving his first family of the whole of his share of the Family Estate—A Moiety at least of his share should remain with his first family, begot under the common connexion of him and his Brothers with the first Wife.—

**Note*.—There is a difference of opinion on this point—Some of the Chiefs say that the Brother detaching himself from the joint connexion under any circumstances, can deprive the issue of the joint connexion of any part of his property—but these Chiefs admit that a man is liable to support his children begotten under a joint marriage, and that if the means of the family be inadequate to their support, he cannot deprive them of the whole of his share of the family Estate on quitting the joint connexion to form a new one.—

20. Where an Estate is enjoyed undividedly or otherwise by three Brothers, two of whom being married to one Wife, while the third Brother has a Separate Wife—in the event of one of the friendly or associated Brothers dying without issue, the other Brother with whom he had the joint wife shall be his sole heir—the Brother having a Separate Wife shall have no share of such demised Brother's property of any kind.—

21. The acquired property of one associated Brother, goes to the other associated Brother—the deceased having no issue—but the Property which the deceased Brother had acquired from either of his parents would revert to that parent—and a man dying without issue, having an associated husband with his wife, that associate being a cousin or a stranger, the associates are the heirs of each other reciprocally, to the property of all kinds which the deceased may have acquired during the association—but not of the property which the deceased may have received from his parents or Brothers and Sisters, or has inherited in any way from his own family.

22. Should any associated husband die leaving children by a former single marriage, the children of that marriage would be his heirs, excepting to the property acquired during the association—such acquired property would go to his associate.

23. The issue of an associated connexion inherit equally with the half blood by a former or subsequent marriage of their Father, in the Father's paraveny Estate, unless the Father shall in the first instance have transferred or settled the whole or any share of such property on his first family—in that case the second family will get the whole which the Father had reserved for himself of his hereditary Estate—but the property acquired under each marriage goes to the issue of such marriage respectively, unless the Father shall have made a division of his acquired property also at the time of his Separation from his first family—in that case the last family would get the whole of that share of the acquired property, which the Father had reserved for himself.—

Note.—A man after being sometime married and having issue, taking an associate husband for his Wife—the issue of the first joint connexion inherit equally with those of the single, in the paraveny Estate of the first husband, unless he shall prior to the joint connexion have made a formal settlement of his property in favour of the latter.—

J.D. July 1827.

24. Uterine children, though born to several Fathers, have all equal rights of Inheritance in their Mother's peculiar Estate.

25. A son detaching himself from his Family, and forming a Beena Marriage in another's house, does not lose his right of Inheritance in the Estate of his Parents—but, if he neglects asserting his rights in this respect in his lifetime, his children will have but a weak or doubtful claim on the Estate of their Father's Parents, for their Father's share—Generally speaking, such claims are considered to be destroyed by the neglect of the Father.—

Note.—The chiefs are generally agreed that to receive the rights of children begotten under a Beena Marriage of the Father in another's house—the children must have been received as Heirs presumptive in the house of their Paternal Grandfather—*i.e.* they must have been in the Practice of visiting him and paying respects and rendering assistance to him, as to their parent.—

26. The same Rule as above applies to a son adopted by an Uncle or Aunt, or by a stranger, to inherit the property of the adopting Parent—the son so adopted does not thereby lose his right of inheritance in the Estate of his own Parents—but a Daughter so adopted, would, unless she were an only child, lose her right of Inheritance in her Parents' Estate—the same as if she had been given out in Deega.—

Note.—But the chiefs consulted are unanimously of opinion that the son so adopted will lose the right of Inheritance in his natural Father's Estate in the proportion which the extent of the adopted Father's Estate bears to what would have been his portion in his own Father's Estate—And if the Estate he acquires from his adopted Parent be larger than the son's portions of his natural Father's Estate, he will only be entitled out of the latter, to such a share as would be sufficient to preserve to him the name of his Ancestors.

27. A son becoming a Priest, thereby loses all right of Inheritance in the property of his parents—because to take the Robe is to resign all worldly wealth; nor shall he be restored to his right of Inheritance by throwing off the robe after his Father's death, unless he shall have done so at the request of his Brother, or by the unanimous request of his Brothers, as the case may be—in that event, he will have a right to that share of his parent's property, which would have fallen to him, had he never taken the Robe—but should one Brother without the consent

of his other Brothers, being Laymen induce the Brother being a Priest, to throw off the robe, then that Brother shall provide for the Seewoo-rooloo Ralle out of his share of the property solely—The Seewooralle shall have no right to demand any portion out of his other brothers' shares—But should a Priest be stripped of his Robe for some violation of the Rules of his order, or from caprice throws them off, he has in either case a right to subsistence from the Estate of his Parents.—

28. The above Rules of the Law of Inheritance must be understood to apply only in cases where the caste of the Parents has been equal, for the children of a Wife of an inferior Caste to the husband cannot inherit any part of the paraveny or hereditary property of the Father—that is to say, the property which has descended to him from his Ancestors—while a descendant or one of the pure blood of these ancestors, however remote, remains to inherit—but the issue of the low caste wife can inherit the lands acquired by their father, whether by purchase or by Gift from strangers—but should no provision of this kind exist, for the children of the low caste wife, they will in that case be entitled to temporary support from their Father's hereditary property.—

29. Failing immediate descendants, that is, issue of his own body, by a wife of his own or higher caste, a man's next heir to his landed property (reserving the Widow's life Interest) is his Father, or if the father be demised, the Mother, but this for a life Interest only, or on the same conditions as she holds her deceased's husband's Estate, which is merely in trust for her children,—next, the Brother or Brothers and their sons, but failing Brother and their Sons, his Sister or Sister's son succeeds.—

Note.—This is contrary to the opinion of the Chiefs given in the Angamena Case—in it the mother was preferred to the Brothers.—

30. The Chiefs are agreed that a Sister's son has not a preferable right to the Brother's daughter, unless he has been adopted by his Uncle—and therefor failing a brother's Son, the property should be divided between the Sister's Son, and the Brother's daughter—but should the Nephew have been neglected while the Uncle was instrumental in procuring a Beena husband for his Niece and seemed otherwise to take a paternal solicitude about his Niece, in such case she would be her Uncle's sole Heiress, rather than the Nephew, being Sister's son.—

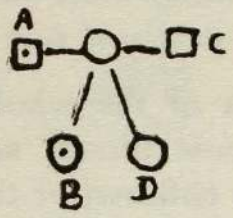
31. The husband is heir to his wife's Landed property, which will at his demise go to his Heirs*—But in the event of the Wife having left a son, and the Father contracting a second marriage, and having issue of the second bed—in this case, on the death of the Father, the son of the first bed would inherit the whole of his Mother's Estate, with a moiety of his Father's Estate—while the children of the second bed would inherit the other moiety of the latter Estate—but in the event of the son of the first bed dying without issue, the children of the second bed would only inherit the moiety which descended to him of his Father's Estate, while his Mother's Estate would revert to his Mother's family.—

**Note.*—This is the opinion of Doloswela Dessave of Saffragam, but the Chiefs of the Udaratta are unanimously of opinion that the husband is not the Heir to the Wife's Landed paraveny Estate which she inherited from her parents, nor of her acquired landed property—the moment the Wife dies, the husband loses all Interest in his Wife's Estate, which if she left no issue, reverts to her parents or their Heirs—Though the wife is entitled to the entire possession of her deceased husband's Estate so long as she continue single and remains in his house, the husband must quit his Wife's Estate the moment of her demise.—

32. The Mother is heir to her Children, even to the Parveny Property of her deceased husband, through them—but if she dies Intestate, the Estate will revert to her Husband's family, whose Parveny Property it was—with this exception, if the Mother has children, either by a former or subsequent husband, the children being the uterine Brothers and Sisters of the children through whom she inherited the Estate, will inherit the same from her—and children of the same Mother by different Fathers, are heirs reciprocally to each other, after the children of the whole blood have failed—but if the Mother has been divorced by any of her husbands, the children born to other husbands cannot inherit the property of the children whom she had borne to the divorcing husband.—

33. A Wife dying Intestate, leaving a Son who inherits her Property, and that Son dying without issue, the Father has only a Life Interest in the Property which the Son derived or inherited from or through his Mother.—At the Father's death, such property goes to the Son's uterine Brothers or Sisters if he have any—and failing them to the Son's nearest heirs in his Mother's family.

34. In respect to the Father's Property, the right of Inheritance of the half blood is postponed to that of the Brothers and Sisters of the whole blood—for example **A** has by his first wife two Sons and a Daughter, and by his second wife two Sons—the father **A** being dead, on the demise of one of the Sons of the first bed without issue, no part of his Property would go to the children of the second bed or half blood—but the brother and Sister of the whole blood would inherit the whole of the deceased Brother's Property—but in failure of the Brothers and Sisters or their issue of the whole blood, the Brothers and Sisters of the half blood are the next to inherit.—



35. The right of the Inheritance of uterine children of the half blood is postponed to that of paternal Uncles and Aunts and their issue,* except in respect to the Mother's property—For example Lokuralle married Kalu Etena and has issue Tikiralle **D**—Lokuralle dies and his widow is taken to wife by Sirimalhami and has issue—Tikiralle dies and his property which he inherited from his Father Lokuralle, reverts to the Brothers or Sisters of Lokuralle, and does not go to the issue of Sirimalhami, though they are of the half blood with Tikiralle being children of the same Mother—but this supposes Kalu Etena to be demised—for, the Mother surviving, is the heir of her only child by her first husband—and in that case, the property of Tikiralle would become absolutely the property of his Mother Kalu Etena, and entirely at her disposal.

**Note.*—This is the Exposition of Doloswela Dessave of Saffragam.—

36. The property derived from the Father goes to the half Brothers on the Father's side, in preference to the half Brothers on the Mother's side—As per Example—**A** has by his first wife a son, and by his second wife another son—then **A** dies and his Estate is divided—his widow who was his said second wife forms a second marriage and bears children to her second husband, and dies—the son of her first husband then dies without issue—his share of **A**'s Estate goes to his brother of the half blood on the Father's side, vizt: the elder son of **A** in preference to his Mother's son by her second marriage.—

Note.—Dehigama Diwen Nileme *alone* holds the contrary to be the Law, that *uterine* children have the preference to the brother or sisters of the half blood by the Father's side, though the property may have originally been the Father's paraveny.—

37. Two half brothers associated with one wife are heirs reciprocally to each other in preference to brothers of the whole blood—suppose **A** leaves two sons by his first wife, and two sons by his second wife, and at his death his property is equally divided between the four sons—but if one brother of the first bed becomes the associated husband of one wife with a son of the second bed, in that case these two half brothers would inherit from each other, unless the association had been entirely dissolved before the death of one of them.—

38. Nephews or Nieces of the whole blood (the children of a Brother or Sister of the whole blood) succeeds before Nephews or Nieces of the half blood (the children of the Brothers or sisters of the half blood).—

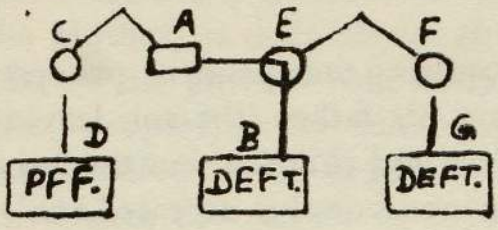
39. Nephews and Nieces of the whole blood succeed before Brothers of the half blood.—

40. To an Estate coming from the Mother, the Maternal Cousin will succeed before the Paternal Cousin, as was decided in the case of Diyekelinawela Unnanse against Boange Nileme.—

Note.—The Merits of the case were these—Watupola Mahatmeyo having a husband in beena, had three daughters, among whom her Estate was divided—The eldest of them was married to Dehigama Angamoolle Nileme, and the issue of this marriage was a son who succeeded to his Mother's Property—but becoming a Priest he consequently had no issue—The Pff: having claimed the Lands for the Temple, his claim of course was set aside—but Defendant having claimed as being the son of the 3d Daughter of Watupola Mahatmeyo (his Father having married successively the second and the third daughters) Dehigama Diwen Nileme interposed and claimed as being the cousin of the last Proprietor, by the Father's side—Dehigama Angamulle Nileme being the Father's Brother (he pleading that the property having been absolutely the Property of his cousin, and he being his *Paternal cousin* was his heir rather than his *Maternal cousin* the Defendant) but as the Land had come to the son of Dehigama Angamulle Nileme, by his *Mother*, the Chiefs on the trial, as well as those now consulted, vizt. Molligoda 1st Adigar, Doolleywa D: of Nuwerekalawe, Millewe Gajenaike N. Mullegama D. of Walapaney, Moladande Padikara L. Asmadaley late

Atapattu L: Madugalle late Gajanaike N. were unanimously of opinion that the Lands should revert to the descendants of the first Proprietor, vizt. Defendt. and the other issue of the 2d and 3d Daughters of Watupola Mahatmeyo.

N.B.—Sir John D'Oyly's Notes say: "If a man die without Father or Mother, Land derived from either reverts to their Relations respectively within three Generations—failing relations within three Generations, it goes to the Crown."—



And to an Estate coming from the Father **A**, the Paterna Cousin **D** will succeed before the Maternal Cousin **G**, as was decided in the case of Madappuligedera Appy. against Polwatte Pinheneralle, Septr: 30th: 1830—affirmed 23rd Mh: 1831.

41. Nephews of the whole blood being the sons of several brothers, without respect to the number of each Brother's family, share alike in their deceased childless Uncle's Landed Estate—that is to say, if the eldest Brother has left only one Son, and the youngest Brother's three sons the Lands of the last deceased childless Uncle would be divided into four shares, one going to the only Son of his eldest deceased Brother, and the other three shares to the three Sons of the youngest deceased Brother—but in the event of one of three Brothers surviving, and one being demised leaving issue, in that case, the surviving brother would get a moiety of the deceased childless Brother's share and the other moiety would be divided among the children of the deceased Brother—but should the last surviving brother not have disposed of his moiety of his deceased childless Brother's portion, by gift, sale, or bequest, in that case, at his death, a fresh division of the deceased childless Brother's Estate will take place among his Nephews, or heirs respectively, as if this Brother had not survived him—that is to say—that Nephews will all share alike in their deceased childless Uncle's Estate.—

Note.—But should the Lands have been held undividedly by the family, or the deceased childless Brother's share not have been divided—it is held that the children of Brothers are not the next of kin to a man after his own children—and that the children of two

Sisters are of the same affinity to each other that the children of Brothers are to each other, and they are called and considered Brothers and Sisters—but it is held that there is so little affinity of blood between the children of a brother and of a sister, that custom makes their intermarriages the most approved connexion—The son of the eldest brother has a sort of vested right to have his cousin, the eldest daughter of his father's eldest sister, for his wife—and the connection of the most respectable families often run in this way from generation to generation.—

S.S.

42. The son acquiring independent property in his Father's life time, and predeceasing his father (the son leaving issue) the property goes to the son's widow and children, but the father, if destitute, would be entitled to maintenance from his deceased son's Estate, but he would have no deeper Interest in it—nor could he object to the Widow and Children of his deceased son selling the Estate, although it would destroy his right of maintenance.

43. If the son should have an only daughter, and she be given out in deega, the Father in this case would have the right to possess his deceased son's acquired Estate, but he could not dispose of it in any way prejudicial to the daughter, of his son's parveny right of Inheritance in her Father's property.—

44. The Sisters of the whole blood, though given out in deega, or their children succeed in preference to Brothers of the half blood, or their children.—

45. A wife and her children being necessitated to quit her husband's house, from the means of subsistence failing to be sufficient for the whole family, does not prejudice the rights of inheritance of her or her children in the property of her husband.—

46. Daughters having Brothers, have no superior Interests of Inheritance in their Mother's Landed Estate, to what they have in their Father's Estate—with this exception however, that where both the parents have each an independent Estate, the daughters whether married in deega or otherwise, have paraveny rights to equal shares with their Brothers in their Mother's Estate.—

47. Sisters have the right of maintenance from their Parents' Estates, in the Event of their becoming destitute by the misfortune or bad conduct of their husbands—this right is not destroyed by the sale of the paternal Estate by the Brothers—any person purchasing such an

Estate without the concurrence of Sisters having such a claim upon it, as abovesaid, would be liable to afford them, the Sisters of the seller, the same support out of the Estate, as their Brother must have done in the event of their becoming destitute, and the same obligation would be upon the holder of the Estate in the event of its passing from the Brother's son to his uterine Brother by a different Father.—

48. A person dying childless, having Parents and Brothers and Sisters—the property which the deceased may have had from his or her parents, reverts to them reciprocally (if from the father to the father, if from the mother to the Mother) as does his acquired property whether Land, Cattle, or Goods, to his parents—but his parents have only the usufruct of this acquired property, they cannot dispose of it by sale, gift or bequest—it must devolve on the brothers and Sisters—the latter having only the same degree of interest in their deceased Brother's acquired property, that they have in their deceased Parent's Estate—Ultimately it is divided among the brothers of the whole blood of the deceased, equally, or their Sons, according to what would have been their Father's share—but failing Brother's sons, it goes to the Sisters of the whole blood or their sons—and failing them, to the brothers of the half blood uterine and their children—failing them, to Sisters of the half blood uterine and their children—and failing brothers and Sisters of the half blood uterine and their children, the property goes to the brother of the half blood by the Father's side, and their children next to the half Sisters by the father's side and their children—and failing them to his Mother's sister, and next to Cousins called brothers and Sisters on the Mother's side, that is to say, the mother's sister's children—and failing them, to the mother's brothers and their children, and failing them to the father's brothers and their children, and failing them to the Father's Sisters and their children.—

49. The Chiefs say that a deformed sister, for whom a suitable match cannot be got in deega, if she gets a suitable husband for herself to live with her in Beena, then the brothers must give up to her a due portion of her parent's Estate according to the number of children—which portion she can dispose of as she thinks fit; but should she die childless and intestate, her share reverts to her brothers, and goes not to her husband.—

50. The Father is not the Heir of the Property of his children born in a Beena Marriage which they have acquired through their Mother—the Maternal Uncles or next of kin on the Mother's side are the heirs to such children but he will succeed to such children's otherwise acquired Property.—

51. If a man die leaving relations on his Mother's side, but none on his Father's side, his Father's Lands would pass to his Mother's family from him—his widow, if he left one, having a Life interest in the property.—

52. When a Person dies Intestate, leaving no nearer Relations than first Cousins, called Brothers and Sisters, his or her acquired Property shall go equally to such Cousins by the Father and Mother's side—that is to say, to the children of the Father's Brother or Brothers, and to the children of the Mother's Sister or Sisters, share or share alike.—

53. Sannasses and Title Deeds of all descriptions, Weapons by the possession of which the Lands are held—Patta Tahadoo, by which the Family designation or Title is preserved—as also all articles received as Royal Gifts—follow the descent of the Land, and are considered the Common Property of the Heirs.—

54. Persons who cannot inherit, are 1st such persons as have assaulted and struck and wounded their Parents—2d such as have been discarded from their Parents for shameful conduct—*Mental or Bodily infirmities do not disqualify from Inheritance.—

Memoranda of the Laws which regulate the Succession to Movable Property

(Sawers' *Digest* p. 14.)

1. When a Man dies intestate, his Widow and children are his immediate heirs—the Widow having the custody and administration of the Property, so long as she lives in her husband's house, conducting herself with Prudence and circumspection, and doing nothing to cause shame or disgrace to the Family, nor squandering the Property—The Widow conducting herself thus, her children cannot call for a division of the Property until her death or until she quits her deceased husband's house—but the Children of a former marriage of the husband may claim their share—the Widow being entitled to no more than a like share as one of the Children—but she is besides entitled to what was considered her own wearing apparel and jewels and ornaments, commonly, worn by herself and given to her by her husband—also all the property she may have brought with her at her marriage, and what she may have acquired herself in the shape of Presents, Gifts or Bequests, or what she may have

* Attena Kumbure *vs.* Medagedera October 19, 1830.

purchased with the produce of her own Lands, or gained by trade—Slaves and Cattle are considered to belong to that description of the movable Property to which she is entitled to an equal share with her children, out of her husband's Estate.—

2. At the death of the widow, the movable Property is to be divided equally among the children, excepting the Daughters who have received their share on being given out in marriage.—

3. In the event of there being no children, the Widow inherits the whole of the household goods, Grain in Store, also the cattle which have been acquired, together with the increase in the husband's stock of cattle, subsequent to the marriage—The property however which the husband had inherited from his parents is generally claimed by his nearest kindred, and the widow has no share of it.—

4. A man dying Intestate leaving neither widow nor children, his movable property goes to his parents—failing them, to such of his Brothers and Sisters who have rendered him support and assistance on his death bed, and failing them, to his next of kin or those who have rendered him assistance, excepting in cases where the property is more than amounts to a fair recompence to the stranger who has rendered the deceased assistance—in this case, the stranger must be satisfied with a compensation out of the deceased's property, and the remainder goes to the next of kin as above—And failing Parents and Sisters and Brothers, the Nephews and Nieces inherit according to the shares their parents would have been entitled to—And in this respect, the children of Brothers and Sisters have equal rights—and failing Sisters and Brothers and their Children, the property of the deceased will go to the Uncles and Aunts or the issue on both the Father and Mother's side—that is to say, one half to the kindred on the Father's side, and one half to the kindred on the Mother's side—but this Rule applies only to the acquired Property of the deceased, for whatever he got through his Mother, will revert to the Mother's family, and what came from or through his Father, will revert to his Father's family.—

5. The right of Inheritance of children of the half blood is postponed to that of the children of the whole blood.—

6. A wife dying leaving a husband and children, her peculiar property of all descriptions goes to her children, and not to her husband.—

7. A wife dying barren or without surviving children all the property which she received from her parents reverts to her own parents,

or Brothers and Sisters and their issue—but the husband inherits all the property, acquired during the overture, but that only—Property acquired under a former marriage, or when Single, would go to her nearest of kin in her own family—but failing Brothers and Sisters and their issue, the husband comes in before the Wife's Uncles or Aunts and their issue.—

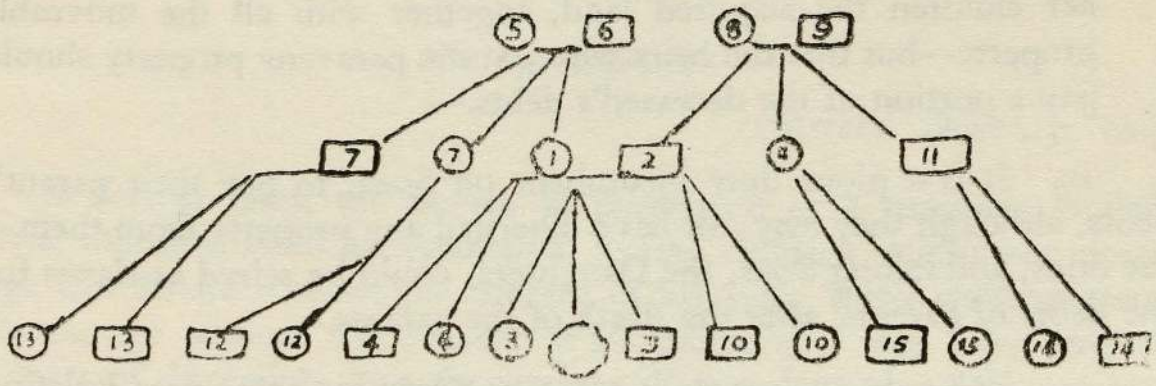
8. The property of a deceased person goes to the Crown only after no kindred can be found to inherit it.—

9. An unmarried Daughter acquiring property and dying Intestate, her property goes to the Mother[1]—failing the Mother, to the Father[2]—and failing the Father, to her Brothers[3] and Sisters of the whole blood—if there be but one such Brother, the whole goes to him—if there be several Brothers, they shall share equally—failing Brothers and Sisters of the whole Blood, to the Brothers[4] and Sisters *Uterine* of the half blood—and failing them, to the Brothers[5] and Sisters of the half blood by the Father's side—And failing them to the Maternal[6] Uncle—failing him to the Maternal[7] Aunt—And failing the Maternal Aunt, to the Maternal[8] Grand Mother—failing her to the Maternal[9] Grandfather—failing him to the paternal[10] Uncle, and failing him to the paternal[11] Aunt—failing the Paternal Aunt, to the paternal[12] Grandfather and failing him to the paternal[13] Grandmother—failing the paternal Grandmother to the Maternal Uncle's Sons[14] and Daughters, and failing them to the Maternal Aunt's 'Sons[15] and Daughters, or Grandson and Grand daughters—and failing them, the Paternal Uncle's Sons[16] and daughters or Grandsons and Grand daughters, and failing them to the paternal Aunt's Sons[17] and daughters or Grandsons and Grand daughters.—

Note.—The above is the opinion of Molligoda 1st Adigar, Doollywe Dessawe, Dehigama Senr: Diwen Nileme, and Dodantele Chief of Lower Bulatgama—but Mullgama Dessave Amadaley B. N. and Madugalle Senr.: late Gajenaike Nileme, are of opinion, that Brothers and Sisters of the whole Blood should share equally their deceased Sister's property and the same should be the case with half brothers and Sisters Uterine and half brothers and Sisters on the Father's side—in short that the sexes related in an equal degree, should share equally.—The Chiefs now all concur in this opinion, that the sexes share equally, up to paternal Uncles and Aunts.—

Ergo.—Child dying intestate, acquired property goes

1. to the Mother.
2. to the Father.
3. Brother and Sister of the whole blood.
4. Brother and Sister Uterine of the half blood.
5. Maternal Grand Mother.
6. Maternal Grand father.
7. Maternal Uncles and Aunts.
8. Paternal Grandmother.
9. Paternal Grand father.
10. Half Brother and Sister by the Father's side.
11. Paternal Uncles and Aunts.
12. Maternal Aunt's Children.
13. Maternal Uncle's Children.
14. Paternal Uncle's Children.
15. Paternal Aunt's Children.



10. The Assessors unanimously state, that the Mother is the heiress to the acquired Property of all kinds of her children dying unmarried and without issue, and that the same is entirely at her disposal—but should she die intestate, the property would go to the Brothers and Sisters of the whole blood equally, and failing them to the Brothers and Sisters of the half blood Uterine.—

11. The Assessors are of opinion that Lands as well as moveable property, acquired by an unmarried woman, she dying intestate without issue, would follow the above Rules of succession—but paraveny property would go to the nearest male Relations only of that side of her house from which she inherited.

12. Property given to a Concubine, or acquired by her; if she die intestate, and without issue, follows the same rule of Inheritance as the property of an unmarried woman—but if a Concubine or a prostitute leave issue, they inherit their Mother's property.—

13. The debts of the deceased must be paid by those who inherit his or her property, according to the value of their respective shares—The Money and Paddy or grain—debts should be paid by those who inherit the Lands—but if the moveable property of the deceased be large in proportion to the Landed property, the Heirs of the moveable property must pay a share of the debt in proportion to the value of the moveable property.—

Note.—In the Case of Haepane Dukgannarallagedera Kirry Menika *vs.* Bamberadeniye Bamn: the wife was a woman of inferior Cast* to the husband—the husband's family objected to the low Cast* widow and her children inheriting the Parveny Lands, and both the paraveny and the acquired lands were mortgaged—It was decreed that the husband's—nearest of kin of the Ratta blood should inherit the paraveny lands and the low Cast* widow and her children the acquired land, together with all the moveable property—but that the heirs who got the paraveny property should pay a portion of the deceased's debts.—

14. It is a pious duty incumbent on Sons, to pay their parent's debts, although they may not have inherited any property from them—the Sons, and failing Sons, the Daughters, could be seized as slaves for the debts of Parents, after the death of the parents.—

Note.—In such cases it was customary for some near Relation or Friend to tie a piece of linnen rag round his neck with a small copper coin tied in it, and placed on the throat, and in this miserable mode walk about the country until he had collected in charity a sum sufficient to release his unfortunate relative.—

15. A debt contracted by a Beena husband without the consent or knowledge of his wife, the wife was not liable to pay—a Deega Wife is liable to pay the debts of her deceased husband, whether she may have inherited property from him or not—the husband is liable to pay such debts of his Wife as she had contracted for the purposes of the Family, but not such debts as are unnecessarily contracted, and without the knowledge of the husband.—

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* *Sic.*

16. The family of a Man or Woman which has been separated and apportioned off—when such man or woman shall have made a second marriage, the members of such separated family shall neither have a right to share in the Estate of their Parent at his or her death, nor shall they be liable for the debts of their parent contracted after the separation—the issue of the 2d Marriage shall inherit the whole Estate and be liable for the Debts—but the separation must have been complete and indubitable.—

17. A parent is not liable to pay the debt of a child unless that debt has been contracted for the benefit of his Parents' Family. A Father could not be seized for his son's debts.—

18. A Child seized and taken as a slave for the debt of a parent, can at any period within 30 years emancipate him or herself by paying the debt—but not if the child was given up voluntarily by the parent for the Debt with a Written Deed of Transfer—but after 30 years, the slave can not so emancipate himself—and if a woman, neither she nor her children can be so emancipated.—

Of Mortgages

(Sawers' *Digest*, p. 32.)

In former days, the person in possession of a paraveny landed estate, inherited from his Ancestors, having children, might not mortgage that Estate without the consent of his Wife, if the children were minors, nor without the consent of his children, if they have arrived at years of discretion—but the consent of more remote Heirs was not necessary to render the mortgage valid against them—This custom has become obsolete, or never was universally acted upon—but prudent persons take the precaution both in purchasing Land and giving Money or Mortgage, to have the consent of the Heirs, and that publicly expressed, or entered in the Deed.—

A mortgage made by a Co-heir of more of the Family Estate than his own portion, does not bind the other Co-heirs—his own portion is alone liable for the debt.—

Another person than the rightful owner holding property, cannot sell, mortgage or pawn such Property to the prejudice of the rightful owner—that is to say, the rightful owner shall recover his property free of all burthens, which the person who had wrongfully held the property may have attempted to impose upon it.—

A Widow having the administration of her deceased husband's Estate, may in the minority of her Children, from necessity mortgage the Landed Property—but it must be clearly to satisfy the most necessary and urgent wants of the Family—otherwise the Children might not be held liable to pay the Debt—but in all cases, when the children are grown up to 14 or 15 years of age, their consent is necessary to such a Mortgage being valid against them and their Lands.—

Deeds

(Sawers' *Digest* p. 27.)

Form of Deeds, and Ceremonies to be Observed in the Unwritten Transfers and Bequests of Property

1. Written Deeds of any kind, respecting rights to Property, were not common before the Reign of King Keertisree.—

Deeds, for the transfer or bequest of Property which do not express that the property has been transferred or bequeathed in parveny (perpetuity) and which have not the Imprecations against the Executor of the Deed himself, his Heirs, and relatives, in the event of the possessor being disturbed in the possession, were considered of inferior validity—the same imprecations were necessary to be pronounced in a verbal Gift, transfer, or Bequest of Landed Property—and the same when a Ketta or token was given.—

2. It never was customary for the Witnesses, to sign the Deed—it was the general practice for the Executor of the Deed to make a mark by a mere scratch, or by writing one letter on the leaf before it was written upon—this was commonly done before it was delivered to the writer by the person who was to execute it—but its being marked or signed by the Executor was not considered essentially necessary to its validity, if it was completed and read to him before his death—It was common when a writer could not be procured at the moment, for the person making the Bequest or Transfer, to sign or mark the Talpot or Olah upon—which the Deed was ultimately to be written—a Deed proved to have been so marked when blank—by the Disposer of the Property to which it referred was considered a good and valid Deed.—

3. It was not necessary that all the Witnesses mentioned in the Deed should be present—it was only necessary that they should have been informed by the Executor of the Deed that he had executed such

a Deed, or intended to execute such a Deed—and that its contents expressed his Will or intention declared at the time he marked the leaf.—

4. Even a voucher which had been written on a declaration made, without a Scratched leaf of any kind being given, would, if it were proved that it contained the last verbal declaration of the person transferring or bequeathing the Property, would be held to be valid—in short all that was necessary was to prove the will or intention of the disposer of the Property.—

5. The Customary ceremony on such occasion was for the person who was making the transfer or bequest, to deliver the Talpot, Olah, or Ketta into the hands of the person in whose favour the transfer or Bequest was made, who received it with reverence and respect—after which he carried it round to the bystanders, and delivering the Deed or Ketta to each of them, received it back in a congratulatory manner from each.—

6. When no deed or Ketta was given, on a Bequest being made, it was customary for the person making the Bequest to lick the right hand of the Donee and declare the Bequest in his or her favour—the strict observance of all such ceremonies gave the greater validity to the act and Deed—But a Deed being written in the hand writing of the person in whose favour it was drawn, was considered sufficient to invalidate the same—and this was certainly a necessary precaution where the execution of Deeds was done in so loose a manner.—

Age

(Sawers' *Digest* p. 28.)

The age of puberty is the age of manhood and discretion—and a young man is capable of marriage at the age of 16 years so he is competent to contract debts, and is answerable at Law for all his Deeds executed, and contracts entered into after the end of his sixteenth year.—

Should a youth sell his Lands, his cattle or his Goods before the end of his sixteenth year, he can break the bargain and resume the possession of his Lands, cattle or property on refunding the value which he may have received for the same.—

The relations and heirs of a minor may interfere and prevent his selling his property—but if they do not so interfere at the moment, or so soon as it comes to their knowledge, they have no remedy

afterwards—but if it was done without their knowledge, they might then have their remedy if their relative died in nonage.—

The Chiefs are of opinion that as by their religious Books, the age of wisdom is not attained until forty, that a person who had lost his Land, cattle or other property by an imprudent sale or transfer in nonage, should have the privilege until he is 40 of reclaiming his lands, cattle, or other property so lost.—

N.B.—It is explained to the Chiefs, that the Proclamation of the 18th September 1819 admits of this privilege on a special reservation only—and in respect of minors, a person under age, so disposing of his or her property will have the privilege until he or she shall have attained his or her 26th year, supposing, it be assumed that the age of 16 years is that of Majority.—

The same Rules apply to Females, as to Males, being Minors.—

A Minor at the age of 10 years may Will or bequeath his or her property—but to validate such a Deed, it must be proved that the Minor was fully aware of the import of the same, and of the consequence of the Transaction—and further that there were sufficient grounds for cutting off the inheritance of the Heir or Heirs at Law.—

Laws of Slavery*

(Sawers' *Digest* p. 29.)

Slavery is of ancient institution, as it is mentioned in their oldest books of Religion.—

The title to a slave is established by its being proved that he or she was the issue of a woman known and acknowledged to be a slave of the claimant—or that he or she had been presented by the King from his stock of slaves or captives of a low condition—(no other prisoners were made slaves) taken in war—or by a person selling him or herself to slavery†—or by parents selling their children for slaves, or giving them away in times of dearth, or in satisfaction of a debt, or as a fee or Boulat Sourooloo—But where the person was given over as a slave without a valuable consideration, such as in times of dearth, since the time of King Keertisree, a written Deed or Ketta Saakie was necessary—all

* Pages 119, 122, 126.

† Kumbalwela *vs.* Dehigama 19 Augt.1830.

which titles give the claimant or Master the full right of property in his slave's person—nor could persons giving over themselves or their children to slavery, be redeemed unless a stipulation to that effect was made in the original sale or transfer.—

It was the practice for a Creditor when of superior rank, to seize and retain as his slave, his Debtor, or a child or children of his Debtor, according to the amount, in satisfaction of his debt—and if the debt is not discharged, or the person seized released by superior Authority, the person so seized became absolutely a slave—but even where the king interfered and released the person seized for a debt, the Debt was discharged from the Royal Treasury—and it was customary for the Dessaves and other Chiefs of Provinces, when they gave redress in such Cases, to raise a voluntary contribution to which they always largely contributed themselves, to pay off the Debt, for which the Debtor had been seized and enslaved by his Creditor.—

The rates at which slaves were valued have been established and fixed from time immemorial—vizt. for a Male, without reference to his age, fifty Ridies or £1.13.4 for a female, also without reference to the age, one hundred Ridies or £3.6.8.—

Note.—The Dessave of Nuwerakalawa says that after the first English War, a person who had plundered the property of his family during the confusions, on being called to account for it, discharged the claim made upon him by taking his Sister and her child from the Deega husband, and giving them over on a Deed of Transfer to the Dessave's family, and the transfer of the Sister and her child has not been disputed—Tikiry Weda, who died in Gaol, was the person who gave his sister for his debt—A man of Iriyegama was her husband, her first child, and two children borne by her in slavery are dead—she absconded in the Rebellion, and is now living in 4 Korles.

A Creditor of inferior Cast* or Rank to his Debtor can not seize such Debtor as a slave, nor was it allowed for persons of an inferior Cast* to possess slaves of a superior Cast*—but with the above qualification, no Cast* was exempted from being made slaves, exempting the Rhodiyas, whose vileness would render them useless as slaves.—

Note.—The only people of inferior Cast* who possess slaves are the Goldsmiths—they having been presented to some of the petty Chiefs and, but workmen by the late king—but these slaves

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* *Sic.*

though not of a superior Cast* to the Goldsmiths, are very impatient of their thraldom to them.—

The children of a female slave are the property of their Mother's proprietor.—

The Proprietor of a Slave has his or her person and services at his disposal—he may sell his slave, or give him or her in Dowry or by bequest to whom he pleases, except that he cannot give his slave on any conditions to a person of inferior Cast* to the slave—but slaves, whatever may be their Cast* are liable to do all services to their owners, however low and base the services may be—a free Ratta person, though a hired dependent, cannot be compelled to dig a privy, or carry water thereto—or to carry a Palanquin, or a corpse all of which services a slave is liable to perform for his master; a Ratta female slave cannot be compelled to receive a husband of inferior Caste.—

If a free man cohabits with a female slave, the owner of the slave is entitled to the freeman's services while he so remains upon the slave owner's premises, nor can the freeman carry away all the property he has acquired during the cohabitation—the portion of such property which he shall carry away is not fixed, but the Chiefs consider that he is only entitled to carry away whatever he may have brought with him, as in the Case of a Beena husband.—

A free woman becoming the wife of a slave, retains her freedom nor are her children begotten by such a husband, slaves.—

N.B.—This is contrary to the Hindoo Law—such a woman becomes a slave—See Colebrooke V 2: P 252.

Vide case of The Maligawa *vs.* Waram Etena and Kalumenika—15 June 1830.

A slave has the entire right to the property he may acquire himself—his owner cannot deprive him of it—and it descend to his, the slave's children as if he were a freeman—but failing the slaves next of kin in his owner's possession, the property devolves on his owner—it cannot go to his next of kin being the property of another owner, nor to his next of kin, being a free person—but a slave or family of slaves can gain no rights by prescription in the property of the family to which they belong—that is to say, however long the slave family may have been in possession of a Garden or other piece of Ground, being part or parcel

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* *Sic.*

of the owner's Estate, or however much they may have improved the same, the slave's family can thereby gain no independent interest in such property.—

Note.—In this respect the Law is more liberal than that of the Hindoos—See Colebrooke as *supra*.

There is no limitation to the right of emancipating slaves—but the emancipating of a slave should be done with the same formalities as those observed, when Land is transferred, and it cannot be revoked.

A Master may drive out his slave, and while the slave is in absolute destitution he may abandon him to starvation, but it would not be creditable to do so, unless he had given his Master great and notorious cause of offence.—

Short of the deprivation of Life or Limb, the Master has the power to punish his slave, and could put him to torture even by the red hot iron.—

The power to inflict the punishment of death, and deprivation of limb, belonged alone to the Royal Authority—but it was occasionally delegated to the Adigars and Dessaves of provinces in time of war.—

If a slave commits a robbery upon another person's property the owner of the slave must either give up the slave to the injured person in compensation of his loss, or make good that loss, according to the Law of Restitution.—

The owner of a slave is not however liable for his slave's debt, unless they shall have been contracted with his Sanction.—

Note.—The Assessors are not aware of any suits at the instance of slaves having been heard by Superior Authority, excepting when they sued for Liberty—Such Cases were not uncommon, and were readily attended to by the King, and referred to the Maha Nadoo—or High Court.—

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*Notes on the Law of Marriage**

(Sawers' *Digest* p. 33.)

What constitutes a regular marriage is as follows.—

The consent of the respective Heads of the families; the countenance and sanction of the Relations to the third or fourth degree on both sides, to the union of the parties, that they must be of the same

* Page 124

Caste and of equal family, respectability and rank, which is chiefly ascertained by the families having previously intermarried—and when this has not been the case they are particularly scrupulous—and affluence and prosperity for the time being, on one side, will hardly endure an ancient family to deviate from this rule.—

To prove a regular marriage will be to make it appear that the usual ceremonies were observed, such as the making of presents by the family of the Bridegroom to the family of the Bride—that the proper Messages established by custom, and the replies thereto passed between the Heads of the families on both sides—that the Horoscopes of the parties to be united were duly examined and found to be compatible with each other, so as to secure an auspicious union—that the Bride was conducted home to the house of the Bridegroom in due form by his relatives, as must be the case in a Deega connection, when the Bride quits the house of her own family to go and live in the house of her husband, or that the husband was received into the house of the Bride's family with similar ceremonies—that his family attended the marriage feast at the house where the newly married couple were to reside, whether that was at the family house of the Bride as in a Beena connection, or at the house of the Bridegroom as in a Deega connection.—

Marriage among the Kandyans may be considered of two descriptions, as regard Civil immunities—and are designated.

1st Marriage in Deega.

2d Marriage in Beena.

The former being the most common, that is where the Bride quits the family of her parents to go and live with her husband at his own house; and the latter, the Beena, being that where the husband goes to live at the house of the Bride's family, which last occurs only in the case of the Bride being an Heiress, or the daughter of a wealthy family where there are few sons.—

Under neither of the above modes of marriage can there be said to be a community of goods between the husband and wife—for in a Deega marriage, whatever property the wife brings with her in the shape of Dowry, and even what she acquires independently of the husband after marriage he has no power over it—but the wife, in the absence of the husband is considered to be the manager of her husband's affairs and therefore under such circumstances she may make use of his property for the maintenance and benefit of the family—she may sell the produce for this purpose, and even mortgage the Lands, if necessary,

to procure subsistence, though she cannot sell them—but the husband can make no such use of the wife's property, without her special consent.—

In the event of separation or Divorce, the wife can carry away nothing from the house or Estate of her husband—but she is entitled to carry away with her all the property she brought with her at her marriage, as well as the property she may have individually acquired during the coverture—any landed property she may have originally had, or may have acquired during the coverture remains under her own management and at her own disposal.—

If the wife separates herself from her husband contrary to his wish, she is not in this case entitled to anything from the husband, however indigent may be her circumstances—she must even leave her wearing Apparel, which she had received from her husband, if that were but her only cloth—But if the husband repudiates his wife without a sufficient cause, and she and her own family being in indigent circumstances, on the Wife calling for a Gam Sabe, the Gam Sabe will make her a suitable award of clothing—and should she be pregnant, the Gansabe will award her a Maintenance according to the circumstances of the husband, until the child is old enough to be delivered up to the husband, which however would cease on the repudiated wife forming a connexion with another man—she would not however lose her maintenance from her former husband during her pregnancy—for the Proverb says that "the wife divorced when pregnant shall have six months' food and clothing."—

A husband is only liable for such debts of his wife, as have been contracted by her from necessity, for the maintenance of herself and her family. The Wife is not liable for the debts of her husband, excepting such debts as have been contracted with her consent, and which she has sanctioned by making herself security for the same, *i.e.* which she has contracted jointly with her husband—but the knowledge and Sanction of both the parties imply securityship for each other.—

If the Wife separates herself from her husband without his consent, he can either retain the whole of the children or constrain her to take a certain number of them with her, not exceeding half their number—but if the husband repudiates the wife, without a sufficient cause, she has the privilege of either refusing to take any of the children with her on her return to her paternal roof, or she can demand to have one or two children given up to her, to be entirely at her disposal, even should she form another Deega connexion—but such children shall still be entitled

to an equal right of inheritance in their Father's Estate with the children he has retained with him—and can return and claim maintenance from him at any time.

Should the wife be repudiated in a state of pregnancy, the father has no right to claim the child, when of a sufficient Age, to be taken under his care as the Heir of his Property, but if the mother refuses to give up the child to the Father, she must support it by her own means.—

> *Note.*—The Chiefs contemplate no chance of the mother resisting this claim—The Chiefs are unanimous on this point, but they consider it a privilege to be exempted from the trouble and expense of bringing up the children—in short they represent the general feeling on the subject to be what are but too generally the feelings of the Parents, of illegitimate children in England, towards such Progeny.—

The husband can at his pleasure repudiate his wife, but the wife cannot separate herself from her husband without cause—

Daughters are entirely at the disposal of their Parents, or in the event of the Parents being demised, of their Brothers or nearer male Relations on the Father's side—they have not the Privilege of choosing husbands for themselves.—

The Wife with the consent of her Parents can separate herself from her husband, and thus dissolve the marriage without her husband's consent, or without any fault on his part—But the Parents of the Wife, who has been given to the husband, by their consent, cannot take her from her husband without her consent, so long as the husband conducts himself so as not to cause disgrace to his connexions.—

Polygamy as well as Polyandry is allowed without limitation, as to the number of Wives or husbands—but the Wife cannot take a second associated husband, without the consent of the first—though the husband can take a second wife into the same house with his first wife, without her consent—The Wife however has the power of refusing to admit a second associated husband, at the request of her first husband, even should he be the Brother of the first—And should the proposed second associated husband not be a Brother of the first, the consent of the Wife's family to the double connexion is required.—

The husband married in Beena has no privileges in his Wife's house—He has no power over her property—he may be expelled or divorced by the Wife or her Parents at any moment—but if the Beena

husband was called to the Wife by her Parents, in that case, after the Parent's death, the Beena husband cannot be expelled from the house by the Brothers of the Wife, without the Wifes' Consent.—

Note.—The Proverb is, that the Beena husband should take care to have constantly ready at the door of his wife's room, a walking stick, a talipot, and a torch, that he may be prepared at any hour of the day or night, and whatever may be the state of the weather or of his own health, to quit her house on being ordered.—

The near relations have the right to object to the Parent's disposing of their Daughter in an unequal match, that would be considered discreditable to the other connexions—but in this Case the onus of seeing her duly provided for, falls upon the objecting Relations.—

Note.—There are several Cases in the recollection of the Chiefs where on the King being applied to, he after inquiry punished the proposed Bridegroom's family for their presumption, and the Parents of the young woman for the pain and disgrace they had thereby inflicted on their Relations—and even after the union had been formed and consummated, the Bride has been taken from her husband and given up to the Relations who objected to the Match—this was done where there was no objection on the score of Caste—An inequality of Rank in Families being the sole consideration.—

Marriage cannot be contracted between Parties in any nearer degree of Relationship than that of first cousins, being the children of a Brother and Sister—this however is the most becoming Matrimonial Union that can be made—but the children of two brothers cannot intermarry, nor can the children of two sisters—their offspring being considered respectively brothers and sisters to each other.—

Incestuous marriages, and such intercourse between the sexes is penal, but such matters were not inquired into publicly—If the parties were of Superior rank, the King enquired into them privately, and reprehended the parties or awarded punishment without assigning the reason—The Chief pursued the same course with similar cases among the commonalty in the Provinces.—

The marriage of a man with a woman of a superior caste to himself, is prohibited—and even carnal conversation between the sexes of different castes, is penal—especially the connection of higher Caste woman with a lower caste man.—

The Chiefs adduce instances of punishment having been inflicted on the parties thus offending, Vizt. Meegastenne Junior 2d Adigar was reprimanded by the King for keeping a concubine of the Berewaya Caste—and the woman was flogged and sent across the river and thus banished from Kandy.—

When a woman degraded herself by having connection with a man of lower caste than her own, her criminalty cast a stain on her family, which formerly could only be obliterated by the family putting her to death, but this they could not do without permission from the King—however in late reigns this extrimity* was avoided—the King taking the woman to himself as a slave, and sending her to one of his Royal Villages as such—and in one instance, the King ordered it to be published that the woman had been sent to Bintenne to be put to death, when it was known that she in fact was only sent there as a slave.—

There was no penalty against concubinage, if the woman was of equal caste with the man—but in fact such connections if not stigmatized by some decisive act on the part of the man's family, or by the man himself, were considered as marriages, and the issue of such connections have all the privileges of legitimate children. In short, nothing but a direct declaration of disinheriting such issue would cut them off from the privileges of legitimate children.—

A widow who quits the house of her deceased husband leaving her children by her deceased husband to the care of her Father's relations, to form another marriage, loses not only her own immediate rights in her first husband's Estate, but the right to inherit the property of her children borne to her deceased husband, and abandoned by her—but if she carries the children of her first husband to the house of her second husband, or if she affords them assistance and performs the last duties to them on their death bed, she does not lose her right to inherit their property.—

If a widow without being opposed by her deceased husband's family, takes a Beena husband into the house of her deceased husband, to assist and protect her, the children by her first husband, may on coming of age, expel the second husband, and the children of their mother by her second husband—they however cannot expel the Mother—But if the half blood uterine are allowed to remain in the house, they in failure of issue of the children of the first bed, would inherit the property of the Children of the first bed.

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* *Sic.*

GUARDIANSHIP

(Sawers' *Digest* p. 21.)

Children being Minors, and left orphans, provided they have not been placed specially under the Guardianship of any one by their parents, fall to the Guardianship of their Maternal Grandfather or Grandmother, and failing them to that of their Maternal Uncles and Aunts—failing them, to the Guardianship of their paternal Grandfather or Grandmother—and failing them to that of their paternal Uncles and Aunts—and failing them to that of an Adult Brother or Sister.—

The Guardian is entitled to the administration of his Ward's own Estate, but should the ward have no such Estate, the Guardian being of the Mother's family, cannot call upon the Grandfather or Grandmother on the Father's side, to whom the Father's hereditary property shall have reverted at his death, to afford the means of support to their Ward—the Guardians being of the Mother's family must in this Case either support their ward or give up him or her, to the Guardianship of the Grandfather or Grandmother on the Father's side.—

The Chiefs know of no instance of a Guardian having been called on to account for the produce of his ward's Estate—the original property in Lands and goods, the Guardian should account for, but the Guardian has the usufruct of his ward's Estate, during the Minority.—

The Guardian is not necessarily the Heir to the ward—but it is very common, when a person leaves minor children, to execute a Deed, expressed literally "I give my Land and my child to such a person" by which Deed so expressed the Guardian becomes the Heir of the ward—And this construction as to the right of Inheritance, has ever been put upon Deeds of a more ambiguous wording—such as "I give *charge* of my Lands and my child to such a one" and even in some instances there have been decisions given by the Maha Nadoo and confirmed by the King, upon no other ground than that of Guardianship—but the Chiefs say that in these Cases the child had been taken charge of by the Guardian in infancy, and had more the character of a parent than a Guardian.—

A Widow may appoint a Guardian for her children, and with right to inherit their property in the event of their dying in minority, or without issue—but such a Guardian appointed by the Mother will not inherit the property which the ward inherited through the ward's father—*that* will revert to the Father's family.—

Widow

(Sawers' *Digest* p. 22.)

A Widow whose husband has left no Issue, is entitled at her husband's death to the whole of her husband's moveable property, including money, grain goods, Slaves and Cattle—unless the three last mentioned have been heirlooms of her husband's family—*i.e.* which he had inherited or received with the landed Estate of his Ancestors—but all goods, slaves or Cattle, acquired by the husband during the coverture, by purchase or by Gift from others, the Widow is entitled to—but she is not entitled to any share of the Produce of the slaves or Cattle, being the original stock of the husband's family.—

On leaving the husband's house the Widow is entitled to carry with her all such property as she is entitled to by the above Article—But if her husband's family Lands have been burthened with Debt, or mortgaged by her husband's Ancestors, the Widow must give up as much of the moveable property as will amount to half the sum necessary for the disburthening or dismortgaging the Landed Property of the deceased husband—but if the deceased husband had himself burthened with debt or mortgaged his Family Estate, then his moveable Property is liable to the last Article, to be disposed of for the liquidation of the same—in which case, the Widow would get nothing, if the debt of the husband exceeded the value of his family Property, from which she is entitled.—

The Widow has no right to dispose of her husband's Lands contrary to what the Law directs, although she has the usufruct of them—unless she was specially authorised by her husband, that he might thereby secure to his relict, the dutiful obedience of his children—this is a common case—but the barren Widow, the husband's Paternal Aunt's Daughter, or his Maternal Uncle's daughter, inherits next to full Brothers the acquired Lands.—

Laws which Regulate the Adoption of Children*

(Sawers' *Digest* p. 26.)

A regularly adopted child, if the adopting Parent has no issue of his or her own body, inherits the whole Estate of the Parent adopting him or her—but should the adopting Parent have issue male or female of his or her own Body in that Case the adopted child will have but an inferior portion of the Estate, with the issue of the Parent.—

* Page 123

N.B.—The Chiefs are not prepared to say what proportion such share should bear to the share of the issue—but they think it should be a fourth of the share which falls to such issue.—

A regular adoption must be publicly declared and acknowledged, and it must have been declared and generally understood that such child was to be an Heir of the adopting Parent's Estate.—

The adopted child must be of the same Caste as the adopting Parent—otherwise the adopted child cannot inherit the hereditary Property of the Parent.—

A child being reared in a family, even if a near relation, is not to be construed into a regular adoption without its having been openly avowed and clearly understood that the child was adopted on purpose to inherit the Property.—

(Signed) S. SAWERS
J.C.

DIYAWADANA NILAME AND HALUWADANA NILAME

The Duty of Diyawadana Nilame is properly at the Ulpenge to attend the King when Bathing, and that of Haluwadana Nilame at the Halu Mandape to attend the King in Dressing, but by Custom both perform indiscriminately either Service—The Halu Mandape and Ulpenge being adjoining apartments. The King bathes daily in warm Water at about 7 Hours after Daylight, at Multenba{ na }Welawata at the Maligawa, and sometimes in the Evening also 3 or 4 Hours before Dusk. Sometimes Diy. or Haluw. Nil. attend him to the Ulpenge and pour Water, whilst the Sattambies bring it, but generally a Sattamby. After Bathing, one or other of these Officers combs his Hair, and anoints it with Bet Tel which is prepared for the purpose at the Betge. This is called Singawe Rajakariya, or Singa Tewa Karanawa.

After this, the King comes into the Halu Mandape, where a clean white Kasawa Soman of 5 or 6 Cts. {cubits} &c. plain white Nilloru Tuppatty are spread ready on the Yahan Eynde. With the assistance of one of these officers, he wears the first round his Waist and the last over his Shoulders, and a White Deyti Toppiya (such as Mampitiye Bandara and Eyheylepola wore.)

He usually wears no other Dress whilst in the Halu Mandape, Ulpenge, the Queen's Wahala and other Minor Apartments, or when he sat at the Janele near, to see the Chiefs. When he does not go to the Pattrippuwa or Janele, or abroad in Public, he usually remains in the Halu Mandape, and here the Adikars and favourite Chiefs come and Munapanawa and state Business and represent Complaints, and receive his orders.

In the Halu Mandape, are 2 Curtains, 1 at the Entrance called Wahalkada Tira. The other almost close to the Yahan Eynde where the King sits and sleeps.

The latter is drawn aside during the Day and the former partially, at the opening of which, the Chiefs Munapanawa.

When the 2d mentioned Curtain is drawn, it is a sign that the King is reposing at night. 2 Sattambies at a time always Jama Karanawa and sit down watching between the 2 Curtains, at 4 or 5 Yards distance from the Yahan Eynde, and are relieved by 2 others every.....Hours.

All the Sattambies must remain constantly in Kandy, tho' the People of the Mura are relieved.

The Rankaduwa and Maha Toppi Haluwa are kept in a Rankadu Abharana Pettiya in the Halu Mandape with the other Jewels.

The King's ordinary Apparel and Jewels and Ornaments are also kept in 4 or 5 boxes in the Halu Mandape, which cannot be opened except in presence of both Diyaw. and Haluwad. Nil.

The Dalumura Heppuwa is kept at the Heytapenage by Paniwidakarana Nilame.

When the King dresses superbly for Public Occasions, both these Officers, and besides those Chiefs, who have filled those offices, and by family are entitled to come to the Ulpenge attend.

On common Occasions, either Diyaw. or Haluw. Nil. but though their particular Duty usually occurs only once a Day, one must always be in waiting about the Ulpenge or Halu Mandape, and 2 or 3 sleep when they please without the King's apartment. There are usually 2 or 3 Haluwadana Nilames at a time, who relieve one another in waiting, according to mutual Agreement.

They go backwards and forwards to their Walawwa in Kandy and eat there or at the King's Kitchen, at their pleasure.

Whilst in Waiting, they are frequently employed to convey the King's orders without, and send Messengers to call Chiefs or People etc.

When performing Rajakariya, they constantly Mukha Wadan bandinawa.

On Public Occasions, both attend and either indiscriminately or by Turns Rankaduwa Paniwidakaranawa.

The Ulpenge People, Abharana Pattale People, Halu Apullana Henaya etc., are properly under the orders of the Diwa Nilame only, but at the Palace all must obey the orders of the Haluwadana Nilame also.

The Haluwadana Nil. and Paniwidakarana Nil. usually obtain 1 or 2 Villages, that they may have People to attend them to the Palace with Talatu Muttu &c.

Nana Mura Mangalya takes place every.....

Atapattu Murapala

1 Mohandiram.

2 Kankanams.

Atapattu Appuhamillage at the Peyteyti Wahalkada, where 4 Peyti (sic) are always kept.

The Atapattu Appuhs. watch it and strike the Bell by Day and also for the.....of Mangalya, altho' by Night.

The Wahalkada Eytto, of whom 2 from Uda Bulatgama are always on Mura.....

The Wahalkada People carry the Peyteytiya and a smaller Minigediya, when th.....

The Day and the Night are divided each into 4 Jama, at the end of .....

Mura of 2 Persons is changed at all the Murapala.

The 1st Jama of the Day is from Daylight to the End of the 8th hour.

The 2nd—from the End of the 8th to the End of the 15th or Noon.

The 3rd—from Noon to the End of the 7th Hour.

The 4th—from the End of the 7th Hour to the End of the 15th or Nig{ht}.

The 4 Jama of the Night are in like Manner of 8-7-7 and 8 Hrs. Duration.

According to this Division, the Hours are struck from 1, 2, 3 etc. to 8 and 7.....

There were formerly between 50 and 60 Atapattu Appuhamis, but the Number.....by the last King to 48. Those of 4 K. 7 K. Udunuwere Yatinuware.

They are expected all to remain constantly in Kandy on Duty, except when.....acct. of Sickness or other Occasion they go with Leave to their Villages.....not more than from 15 to 30 remain for Service.

Half of the Number sleep at the Murapola alternately every Night .....2 are constantly Watching. By day, not more than 1 or 2 or 3 remain.

When the King goes abroad, all in Kandy attend of whom 10 or 12 half the Number carry Su{se}.....with broad Blades 7 or 8 Ft. high, and are relieved by the other Half.

The Suse and all other arms are kept at the Ranawuda Mandape.

Heytapenage Murapala

1 Mohandiram.

1 Lekam, who keeps account of the Aramudala and 1 Kankan

Almost.....the Kandyan Chiefs belong to this Murapala.

In the {reig}n of Rajadhi there were 112.

The.....King reduced their Numbers to 48.

They.....expected to remain in Kandy, except any go to their Villages with Leave.....to the Veranda of the Heytapena Ge.

Of these, also, some.....12 carry Ilukkola (Javelins like Arrows) which are kept in the Ranawuda Ge with Mukha Wadan or .....of white Cloth tied over the lip, about an Inch Wide.

Formerly the Muhka Wadan was about 2 I{nches} wide, and a piece of Pachcha Wadan covered the Mouth, the rest white.

RANAWUDA MANDAPE LEKAM

2 Kankanamralla sleep at the Murapala alternately every Night with Half the Appuhs.

The Appuhamies belonging to this Murapola were about 100.

Their Numbers were in like Manner reduced to 48 by the late King.

Soon after the English evacuated Kandy and before the Journey to Wak Oya.

They carry with the King on Journies Wadanatuwakku and 1 Randunna and Su.*

.....Royal Arms are kept in the Ranawuda Ge consisting of Wadanatukku*.....{Pa}tishtana, common Ilukkola, Susa.

.....orders an.....achari of.....who repair the arms.

.....Iwaduwo of Hapuwida in Matale, who paint the Handles.

{DUKGANNARALLA}

Persons who belong to either of these Murapola are called Dukgannaralas.

.....that in the time of King Kundasale, he desired that these Dukgannaralas.....come on Mura alternately for a month or other Period at a time, as other.....{Per}sons in the King's Service. But they courteously declined the indulgence.....g that it would be a disgrace to place them on a level with other classes, and that it was the Duty of Dukgannaralas to be always in waiting on the King and they would ask Leave on any Emergency which.....them to their Villages.

.....King's Reign, 3 Gan were exempted for each Dukgannarala, but they were reduced to one by.....in the Dutch War, to increase his Forces.

.....Privileges of Dukgannaralla are as follows:

They pass the Queens.

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* *Sic.*

They are respected as the King's Courtiers, and are in the Way of Promotion to Offices and villages (the elder Walgama Rala served all his Life, but obtained nothing).

Their suits are h.....

They are exempt from the Authority of other Kandyan Chiefs'

They enjoy their Lands free from all Disavany, (Lekam) or Rata Ser{vice} but pay Kathal only to the Gabadawa.

The Service of one village or Man is exempted for each Dukgannarala alth{ough}.....Dukgannaralas may possess only a Part of it. Hence the other Heirs, who liv.....free,, are bound either to cultivate the share of the Dukgannarala gratis for.....take Care of and repair his Walawuwe and Garden, or to furnish from..... Rice and send it to Kandy. If the Dukgannarala possesses ½ the Village, the other Pangu Karayo.....6 Months' Rice. One Month's Rice is called 1 Bara, consisting of 60 Hundu. 1 Hundu contains 8 Mita or closed Handfuls tho' sometimes a Receiver will take 9 or 10.

There are altogether {14} Murapola in.....

From which the People on guard are called to perform Duty at any Extra Pinkama, as well as the People on Mura from 'the Disavanies. Except, the People of Dolosbage Mohm. Wasam on Mura at Bogambara K. Those of Haloluwe Mohm. on Mura at Mahiyawa Kadawata, and those of Depalata Mohm. Wasam on Mura at Kumarappe Kadawata.

4 Pattale

Otunu Pattale—

People of Madawala.

Abharana Pattale—

of Gannoruwa, who work Mala and Trinkets.

Rankadu Pattale

of.....who work make or repair the Maha Rankaduwa.

Sinhasana Pattale

of.....who make or repair Works for the Sinhasana.

{It} sometimes happens, that Chiefs of great Families gain exemption on account of Dukgeyniwilla.....more than one person. viz. for Father and Sons, 2 or 3 Brothers, Wife, Daughter, or Sisters. The Families frequently attending the Palace, as Pilima Talawuwe. In which case 3 or 4 Gan are exempted. Sometimes also by great favour Kathal has been remitted, but if it be not noted in the Lekam Mitiya, the Exemption is only temporary. Thus Dunuwila was verbally exempted by the late King.

Molligoda about 15 As. is an Aswedduma belonging to Alutnuwere Dewale, was brought into Cultivation by an Ancestor Great G. Father ..... of the present Adikar, and it is subject to no Duties or Services.

DUNUKARA LEKAM

In the time of Kundasale, he celebrated a Yak Maduwa of Pitiye Dewiyo, a very difficult Ceremony, for which all the Performers Peunna 3 months, for Arakshawe. The Yak Maduwe was built on a Hill near the future Dumbare Aswed. and near it a Gan.....Maligawa for the King, who went there, during the Cer{emony} and remained 7 Days.

In the time of Kirttisri when on hunting he saw and.....on the spot for a Weywe and Keta. 5 As. for Wahala, and 12 for People. The work was begun in.....finished in 7 Years by all the People Hunubadde of Dumbara under the Rate Mah. afterwards Disava of Matale, and 2nd Adikar Migastenne yr. Brother of Disava of 7 K. both the Sons of Maha Disava of 4 K. and 7 K.

After this Migastenne having gone for Etbandun, saw Lands which might be brought into Cultivation, of Atapattu Tahansi Keley, and represented to the King, and obtained his Leave to divide it among the People.

Migastenne went himself, inspected and divided the Jungle among the People of Rata Wasam and Lekam who said that they were alld. to some 20 and to others 40 Bamba.

They first cleared the Jungle and sowed Kapu and Kurakkan and .....channel.....and began to cultivate.....bringing into cultivation small Parts each, they br.....Kadapayi with Hevisi from the River and presented to the {Ki}ng who ordered it to be offered to the Maligawe and Wih.....

Upon this.....Patishtana were given to Migastenne to give to the Headmen and cultivate the rest.....Uda Gab. Nil.

The Aratchies and Gaj. Nil. state that the Patishtana to the Headmen and Dunu and Lansa to the People were granted at the same time, and Dunukara Lekame found and granted 1st to Migastenne.

In the time of the Dutch War, the Rata and Lekam were granted to Kaududeniye Disave and the People came on Mura to the Andagam at Ilukmodara (built with that of Ampitiye by the People of Lower Hewahete by Galagoda Adikar).

Kandudeniye not being active for War was dismissed in 2 or 3 Months and Dumbara granted to Nugewela (Disave) Rate Mah. whose yr. Brother was Rate Mah. of Harispattu—with a Sannas—

After the End of the War, he continued a short time Rate Mah. The Elder Migastenne Adikar was appd. Rate Mah. and then Dunukara Lekam to Wilamune Lekam of Palispattu who enjoyed it till his Death many Years in time of Kirttisri, and with the 2 Mohn. Wasam People of Atapattu Lekam (6 Aratchy Wasam) and Wedikkara Lekam (4) brought into Cultivation the Uda Wela of Hanwella.

At the Death of Wilamune, Dunukara Lekam was granted to Pitawala Lekam—finished the Work of Udawela—who in time of Rajadhi inspected reported and brought into Cultivation Nikatenne in Doraliyadde in Udispattu, with their Lekam People and the 2 Mohm. Wasam, and built 2 Atu.

The same Pitawala, some years after in time of Rajadhi Rajadhi*, brought into Cultivation by the Dunukara People, the lower Part (Eyndumpittiye) of Alutwela E. of the Huluganga.

The same Pitawala afterwards in the same.....by the same People dug a Canal and brought into Cultivation about 5 As. in Gamagoda.....Gankewala and Teldeniye—by making.....Dunu share the former—It was sowed 1 year for Otu, the 2d for Ande, but soon abandoned on acct. of difficulty of the Dam and the Canal was filled up. The extent which could be sowed was very small, as the Canal joined a former Canal.

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* *Sic.*

Aramudale Wannaku Nilame

The Badallu of Madawala, and 6 or 12 Badallu of Yatinuwara, called Aramudale Badallu.

Madawala contains.....Persons.

Some of them must always remain in Kandy—They set up Workshops within the Palace,.....make and mend Silver and Copper and Brass Vessels of all Kinds.

They furnish Works for the 4 Mangalya, for which the Materials are issued.

They present a Deykum once pr. ann. in which they provide themselves.

5 Lekams and 5 Kankanamralas always reside in Kandy. No Change of Mura.

1 Lekam and 1 Kankan must always come together to open the Door and they enter with.....Appu who is on Mura.

Awudage Wannaku Nilame

Under him ever since the time of Kirttisri the 24 Achari of Udapalata and Kotmale placed under Lankesara Hangediya and his Brother—afterwards under Eldeniye Nayde. 10 come regularly each Mura of 20 Days in Rotation with the Hangediya and are employed in repairing, cleaning and oiling the Guns, of which there are about 3,000 in the Awuda Ge and they performed no other Service.

When there was much hard Work to be performed at Building the Pattrippuwa, they were placed under the Kottalbadde.

Besides there are 4 Vidans, who make Wax Candles and have lands for the Service. They come on Duty in Rotation 30 Days at a time, and all the 4 must attend at Perah{era}.....Katya, when much Service is to be done.

.....always on Duty at the Awuda Ge, 1 Aratchy and 2 men of the Palis Pattu.....Wasam of Wedikkara Lekam, being one of 4 Aratchy Wasam, who are relieved every.....These People assist in melting the Wax etc. and sweep and keep Mura.....Ge.

{Tappakarayo}

A Tappakara Mohm. is given to a Chief, who receives no Pay, but has the Benefit of their occasional work.

Uda Gab. Nil. held it many Years from the Time of Rajadhi.

The Tappakarayo being 20 in Number under a Kankan 3 Ridi and an Aratchy 5 Ridi all of Low Cast,* are receiving Pay of 2½{ ridi} each pr. Month, sweeps all the Muttoli etc. and drains about the Palace, that is, the Exterior—Carry out Dead Bodies of Priests or Chiefs or Mahatmyilla, when ordered and (the Porawakarayo cutting the Dara) bring it from the Jungle, make the Pile and burn it, for which they receive 5 to 10 Ridi—Also they beat hard the* with Tappa Mol. the Ground of all Buildings and for this receive Pay 2 Pice pr. Day from the Nilame who builds it. Also furnish Kehel for Elephants the whole Day and Half the Night, cut from private Gardens. The other Half Night by Maha Gabadawe People.

6 Ilandariyo, Rate Eytto, receiving Pay of 5 Ridi pr. Month from the Maha Gabadawa from a long time, sweep daily the Heytapena Ge and all usually reside in Kandy, but 2 attend on Duty at a Time, for such Number of Days as themselves agreed. Afterwards, in the time of the last King, they possessed Lands for the Service. Haloluwe Vidan, one of them, first having purchased a Land at Urapola stated it to the King and obtained Exemption from other Rajakariya for this..... afterwards all the Rest, some purchasing Lands and some obtaining Purappadu.

The Ulpenge* is swept by the Ulpeynge* People.

Ulpeynge

The Villages Bauulana and Lagomuwe are under the Orders of Diwa Nilame who appoints over them a Vidan.

They bring 1 bundle of Niyedandu and 1 bundle of Patkola, every 15 Days *i.e.* one Village this Fortnight, the other, the next, in turn, and at the same time remove the ashes, remaining after warming the Bath: from the Ulpeyn Ge.*

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* *Sic.*

1 A.....of D.....in Dumbara is under Diwa Nilame, possesses Land for the Service of clipping and dressing the King's beard and paring and cleaning the Nails of his Hands and Feet. For this he attends once in 7 Days at the weekly Nanamura.

Badaheylayo.

{HENAYO}

There are {16} Radawu of Walapana, of whom 4 come on Mura at a Time and serve 3.....2 at Maha Wahala and 2 at Palle Wahala—They attend the Halu Apullana Henayo as.....bring Dara and Diyara to the Halu Mandape to boil the Keyndi and dry Clothes.

They are sent up by the Disave of Walapana, appear before him, and in other Matters obey his.....

10 Formerly 20 Halu Apullana Henayo—under the orders of Diwa Nilame.....or Headman.

There are 4 Mura of 30 Days each, 5 Persons coming on 3 Mura and.....4th—(lately 4 each Mura) Of whom.....are on Duty at the King's and.....at the Palle Wahala.

The former receives the Halu every morning from the Ulpenge Sattambies who receive them from Haluwadana Nilame wash them at the Halu Apullana Tota at Dunumadalawe, where a Halu Mandape is erected, cannot.....them to any other Place and bring and deliver them in the Evening.

.....obtain Keykulu Hal for Kanjy from Maha Gàbadawa and are attended in going and coming, by a Murakaraya..... Washer of Walapana carrying a painted Stick to keep People at a Distance and a Wadana talatta to hold over the clothes in the rain.

The Henayo of the Palle Wahala wash at Nagasange Tota, and serve and are attended in like Manner.

One Haluwadana Nilame has no People under him.

{PANIWIDAKARANA NILAMES}

2 or 3 Paniwidakarana Nilames, of whom one must be constantly in Waiting.

They must wash themselves twice a Day, and hence either Haloluwa or Gahalagambada or some other place is usually given to them, to fetch Water for Bathing.

The offices are conferred on young Men of good Family between .....and 24 Years of Age.

Their Duty consists in Keeping the Dalu Mura Heppuwa, in preparing the Hunu, Bulat.....Dunkola and other Bet for the King, and carrying it to him, when called for.

They reside in Kandy and one is always in Waiting near the King, and they relieve.....daily by mutual Agreement.

One usually comes on Mura in the Evening, sleeps in the..... of the Heytapenage and is relieved the Next morning.

They eat at the Multenge, whensoever they please.

Being called into the King's presence by the name of Paniwidakarana Rala, he put on his.....Mukha Wadama, and covering the left arm up to the Elbow with a Gahawani and taking.....his Left Hand 2 or 3 Handkerchiefs, places the Dalu Mura Heppuwa upon it and comes.....to the King and holding the Box in the Left Hand, gives with the right, whatever is asked for.....standing all the Time.

When the King goes to the Pattrippuwa or the Maligawa, or elsewhere abroad, one is always.....

If he goes a Journey, both accompany, and are attended by 2 Men of the G.....carrying over the Dalu Mura Heppuwa white Wadana Talatu.

When we came to Kandy, Amunugama had Pattipola, and Halyale Nil. had Bambaragama.

{Hunubadda}

A Hunuganna Meistry and 16 Hunuganno, who make Plaster of Chunam and chunam the Floors of Wahala Buildings, built by Disavanies or Vidan Villages and at the 4 Mangalya, whitewash the Buildings of the Palace.

They receive Paddy at 4½ As. each from Gab. Villages in 4 and 7 K. from the King, and besides 2 Tuttu pr. Day from the Nilame, under whose Charge such House is built, and the Meestry 1 Fanam.

Of these 14 are Rate Eytto, the other 2 of Low Cast.* It was not considered Me{nial} Service and they had now and then Leisure to go to their Villages.

Th{ey a}re under the orders of Hunubadde Nilame.

N.B.—The H.....Paniwidakaraya and People also receive Pay, the former of 1 Fm. the latter of 2 Pice pr. Day, for.....{Dimey} tigeyma *i.e.* the Levelling and Plastering of Walls with Sand properly beaten up with.....or the Disavany or Vidan Village People have Dimeytigeyma.

The Money is paid by the Nilame.

{Tamboru}

Piligama Waduwa, of Owala in Matale has 3 A.....His G. Father first obtained from Kundasale 5 As. at Piligama in Udunuwara for the special Service of making Tamboru. Of these 2 As. were lost..... and in the time of Kirttisri, Piligama being taken {from} Rammalake, which belonged to Mampitiye Dukga.....by her agst. Keytakumbure, late Rate Mah. and Gab. Nil.....—he received 3 As. at Owala instead of it.

{Padikarayo}

The Padikarayo or Persons who recd. Pay under the King's Govt. were as follows:

The Padikara Peruwe Maduwe Eytto, formed by Kirttisri at the time of the Dutch War. They at first recd. only 1 Ridi each pr. Month. This was increased by the same King to 2½, and afterwards by..... to 5 Ridi.

The People of the Maha Gabadawa, who latterly recd. 2½ Ridi each pr. Month or most frequently 4½ As. of paddy each per. Ann. from the Royal Villages in the 7 K.

The People of Uda Gabadawa, who latterly recd. 2½ Ridi each, and sometimes 4½ As. of paddy from Royal Villages in the 4 K.

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* *Sic.*

The People of the Royal Gardens, Peradeniya, which was planted in the time of Kirttisri for his Brother Asthana (Rajadhi) by 30 People who recd. Padi 2½ Ridi pr. Month or more frequently.....As. of Paddy pr. Ann. from the Palle Wahala Store or Gabada Villages. The Jungle have* been first cut.....ground cleared by the People of all the Palle Wahala Gab. Villages. After he came to the Throne..... were 50 Padikarayo, who continued till the Execution of Pil. Tal. when he began to plant Dambarana.....the People of Peradeniya were reduced to 20. There were always 2 Aratchies, who recd. 9 As. each.

{P}eradeniya 3 As. in extent was the property of Peradeniye Disave, and being forfeited by the Rebellion in the time of Kundasale, was granted to Peradeniye Mahatmayo (a Cousin of the Disave) who gave Information of the Plot, and at her Death she gave it to the Palle Wahala.

Galagoda Adikar in time of Kirttisri cultivated 3½ As. more, by the Etbage and Asbage and some Vidane Village.

The People of the Demala Ilangame.

Of Kundasale have a little Land and Ilukmodara, the People receive Padi from the time of Rajasinha. Dambarane from time of Kundasale, and of the other Gardens in Dumbara, and Alutwatta, from time of Kirttisri. All these and the Purampattu and Tamborukarayo recd. Paddy from Bintenne 4½ As. each.

Geytambe Purampattu Meestry enjoyed Land from the time of Kundasale. Weyligalle Tamborukarayo purchased Land at Weyligalle and with leave of Rajadhi enjoyed it for this Service. All the other Purampattu and Tamborukarayo recd. this Padi till the deposed King gave them Lands.

The Tappakarayo—from the time of Rajasinha recd. Paddy, till in the time of Kirttisri, the Paddy failed, and thenceforth, they recd. the Pay from Kinigama Kappangomuwa 7 K. which was granted to Unambuwe Bandara Mah. and at his Death to his Wife, Since which Time, the 550 Ri{di}.....Money has been paid to them.

The Nayaka Unnansela who recd. according to their Rank and Family fr.....to 150 Ridi pr. Month.

All these Salaries were paid, sometimes from the Aramudala, and sometimes from the Ulpenge. The funds of the latter were from Presents by the Chiefs for Offices and Favour.

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* *Sic*

HALU APULLANA HENAYO

There were formerly 20, of whom 5 came on Mura for 1 Month at a time. .....2 became palu, since which, 4 only came on Mura.

They have no Headman, but one of the 4 is selected by Diwa Nil. to receive Halu, coming into the Eytul Wahala, from the Yahan Eynde in the.....and he is called Gurunnanse, being the Principal of them.

Their present Numbers are:

Matale 2—Yatinuwara 2—Harispattu 2—Hewaheyte 1—Dumbara 1 ?.....

(his 2 As. divided into 4 Pangu)

Those of Dumbara are—1 of Napane—3 of Doragomuwa—1 of Pilawala—1 of Udurawana—1 of Hurikaduwa—1 of Yatawara—1 of Watabuluwa.

The 2 Palu have been taken to the Radabadde.

The Gurunnanse receives the Halu Pili daily either from Diyawadana or Haluwadana{Nilame} in the Morning early, and returns them every Night, even wet, if he has not been able.....

They carry the Cloths to the Halu apullana tota at Dunumadalawe, where is a Halu Mandape, and wash them there.

There are 16 Radawu of Walapane, of whom 2 come on Mura, once pr. Month and carry Wadanatalatu with the Halu Pili to the Tota, furnish Dara, Diyara and Angu {ru}and do every other Service required by the Halu Apullana Henayo, but are not allowed to wash or even to take hold of the Halu Pili.

2 Neyli of Rice are furnished daily for Keynda from the Maha Gabadawa.

Walan are furnished by the Badaheylabadde.

The Halu Apullana Henayo give no Kat Hal, and no Dan Kat in Wesak, but bring fo.....Pinkama of Diwa Nil., Ukdandu, ripe Kehel Mal and Palarasa, and curry.

They pay no Contributions whatever to their Chiefs, but when they come in.....each appears with 40 Betel before both Diwa Nil. and Haluwadana Nil.

Sometimes one who has a Suit, privately gives a Bulatsurulla to Diwa Nil. for assistance.

Suits of Land or Debt are represented by Diwa Nil. to the King, and decided by the King.

Trifling Cases of Assaults, Abuse and Quarrels are usually settled by Diwa Nil. who {I} sa Ka{da}arawala of the offender, orders him to remain a Prisoner at large, in Kandy, usually.....longer than .....or 10 Days and on his Entreaty releases him.

He h{as no}t power to punish by Fine or Beating.

The {Palle W}ahala Henayo wash at Nagasange Tota, and are a different Dept.

Palle Wahala Halu Apullana Henayo

Nagasange.—

There are altogether 16 Henayo of this Department of whom 4 come on Mura, and serve for one Month. They have no Headman or Gurunnanse.

They appear before Maha Diwa Nilame, (or Palle Wahala Do. if there be one) when they come on Mura and when they depart also inform the Queens' Mahatmayilla.

.....One of them, the principal, goes daily in the Morning and receives, counting them, the dirty Linen from a Mahatmayo at the Yahan Eyndi in the Waturaunukarana Ulpenge. They carry the Linen to the Halu apullana Tota at Nagasange.

.....and wash them, and bring them back every Evening to the Yahan Eyndi, whether dry or not.

They receive daily 6 Neyli of Rice from the Maha Gab. for Kenda *i.e.* 1 for each Queen.

Their numbers are:

.....of Weygama in Hewaheyte—1 of Nugatota in Kotmale—3 of Naranwita—1 of Wegiriya—and.....of Daskara in Udunuwara—1 of Akuramboda in Matale—1 of Nagolle in Do.—2 of Dematagolla and 1 of Gunneypana and 1 of Talawinne in Dumbara—1 of Rambukewale in Harispattu.....1 of Deyiyanwela or Nagasange possesses 1 Am.

{They}possess generally from 3 Peyla to 2 As. each—give no Kathal or other Duties.

When they come on Mura, they appear before Diwa Nilame with 40 Bulat but deliver to him no other Duties whatever, not even Dan Kat or Ela olu Kat.

They occasionally give Bulatsurul in trifling Complaints to Diwa Nilame, who hears and settles them—such as, disputes between Persons of the same Family for Land or Quarrels. He sometimes takes off the Isakada, and then detains a Man from 1 to 5 Days, and sometimes takes a Fine 2 to 5 Ridi on Discharge.

If the Fault be great, the Diwa Nil. represents to the King and causes the offender to be {pu}nished at the Ulpenge with Atulpara.

.....there be a more important Case of Land, he represents it to the King, and without his authority cannot dispossess.

.....are also Murakarayo sent by Radabadde Nilame, on Mura every Month viz.

4 of Walapane
1 of Hewaheyte
1 of Udunuwara.

.....are relieved by 6 others, *i.e.* 1 for each Queen.

{They} carry the Wadana Talatu with the Halupili—give Dara and Diyara and Anguru and.....Fire and boil Keynda—and cook Victuals for the Apullana Henayo.

At Katugastota 3 or 4 Ryk. perform the Duty. They.....now enjoy in lands for this Service. But when the above Payments in Consideration of the Profits.

Formerly the 2 Hirage Kankans, and within the last four years of the last Reign 4 Widiye.....acted as Police Officers under them.

The Diwi Sittu on Ola consts. the written Oath for.....by Oil is issued by the Adikar within whose Jurisdiction the case arose in the District situated within the Mountains.

They have the exclusive Power of granting Diwi Sittu or Olas const. the written Oath—of granting Sittu or Olas of Division—in all Cases, which arise in the Districts within the Mountains.

The Adikar pay usually into the Treasury a purse of cash, called Deykum, in Consideration of the Privileges and Emoluments above mentioned.

When an Adikar is absent from Kandy, his Ministerial Duties devolve upon the other.

For the better Support of their Dignity, a Disavony is usually conferred upon the Adikar and.....other offices—in which case, besides all the paying they perform all the Duties, and enjoy all the Honours, Privileges and Emoluments of a Disave or.....other officer—

3dly Miscellaneous Contributions, paid by particular Villages within certain Disavanies consisting of Iron, Steel, Betel, Juggery etc.—Salt by the Undiya.

4th. The Produce of certain Royal Lands under Charge of the Disave independent of a district form the proper Royal Villages, which are under the Orders of the Gabada Nilames, or Storekeepers.

5th. Precious Stones, which are the Sole Property of the Crown.

The Ganwasamkarayo, called also Patabendo, who furnish Provisions to the Disave, deliver principally the Kathal or Pingo Rice and dry Timber within the Disavony.

Adikars

Vide page 2.}

The Adikars are invested with the following Judicial Authority:

They have exclusive Jurisdiction over all Persons subject to their Peculiar Authority as above specified.

And a current Jurisdiction over all Persons within the Provs. as subject to their general Authority above specified, with the Chiefs of them, but cannot decide in Opposition to the opinion of the proper Chief.

The Chief being inferior usually submits to the Decision of the Adikar. If he differs, the Adikar cannot decide alone but the Case must be decided in Maha Naduwa.

In Criminal Cases, they can hear and decide all Burglaries, Robberies, Assaults, and other offences except Murder and Homicide. They can inflict Corporal Punishment, fine and imprison without Limit, but the Mode of Corporal Punishment will vary according to the Rank of the Person.

Exc.—They can neither punish Corporally, fine nor imprison any Person who are attached to the King's Court or immediate Service.

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*INDEX OF SINHALESE NAMES AND WORDS

NOTE: P — Pali; Skt. — Sanskrit; T — Tamil

Adattadaana – Adattādāna
Adikaram – Adikārama
Adukku – Aḍukku
Akuramboda – Akuramboḍa
Alawatugoda – Alavatugoḍa
Alinamba – Alināmbā
Aliyar – Aliyār
Aloot Peroowa – Alut Péruwa
Aloowan – Aluvan
Alpiti – Alpiṭi
Alutgantote or Alutgantotte – Alutgantoṭa
Alutnuwere – Alutnuvara
Ambakumbure – Aṁbakuṁbura
Ambepussa – Aṁbēpussa
Ammonam – Amuṇam
Ampitiya – Ampiṭiya
Ammunam – Amuṇam
Ande – Añdē
Angamena – Aṅgammana
Angammana or Angammena – Aṅgammana
Anguru – Aṅguru
Anoosaawana Waakya – P. Anusāvaṇā Vākya
Appoo – Appu
Appooralle – Appurāla
Appuhamillage – Appuhāmillāgé

Arandere – Arandora
Araneyke – Aranākē
Asbage – Asbāgé
Asmadaley – Asmaḍalē
Aswedduma – Asvädduma
Atabage – Atabāgē
Atchela *or* Atchile – Āccila
Atkadi – Atkoḍi
Atookoralle – Atukōrāla
Atoowawa – Aṭuvāva (P. Aṭṭha Kathā)
Attabagey *or* baagey – Aṭabāgē
Attapattu – Atapattu
Attapitiya – Attāpiṭiya
Attena Kumbure – Attanakuṁbura
Attikarama – Attikārama
Attoowawe – Aṭuvāva (P. Aṭṭha-kathā)
Atukorale – Atukōrāla
Awudul Marikair – Abdul Marikkār
Ayottiya *or* Ayiyotti – Skt. Ayodhyā

Baḍahela – Baḍahäla
Badaheylabadde – Baḍahälabadge
Badaheylayo – Badahälayo
Badallo – Baḍallō
Bamba – Baṁba
Bambaragama – Baṁbaragama

* Kindly supplied by the Archaeological Commissioner.

Bambaradeniya – Baṁbaradeṇiya
Banda – Baṇdā
Bandara – Baṇḍāra
Basnaika – Basnāyaka
Basnayake Nileme – Basnāyaka Nilame
Batawala – Baṭavala
Batgamwala – Batgamvāla
Batuwatte – Baṭuvatta
Beena – Binna
Berewa Gannaweya – Beravā Gannavaya
Berawaya – Beravāyā
Bet – Bēt
Betge – Bētgē
Bet tel – Bēt tel
Bhikshoo – Bhikṣu
Bimbisaara – P. Bimbisāra
Binne bahinawa – Binna bahinavā
Bintenne – Bintänna
Bogaha – Bō-gaha
Bogambara – Bōgambara
Boottela – Buttala
Boulat Soowoloo – Bulat surulu
Bowala – Bōvala
Budha – Buddha
Budoo Ress – Budu-räs
Bulat Surula – Bulat surulla
Bulattoo-wolooe – Bulat-hurulu
Buttela – Buttala

Calpitiya – Kalpiṭiya
Chaitya – Caitya
Cheeura – P. Cīvara
Cheewera – P. Cīvara
Cornie – Kuruṇi

Dada Mudippuwa – Daḍa Muḍippuva
Dada Waeddo – Daḍa Väddō
Dalada – Daḷadā
Dambadeniye – Daṁbadeṇiya
Dambulle – Daṁbulla
Dandu Maduwa – Daṅḍu Maḍuva
Dedigama – Dädigama
Dedimoonda Dewata Bandara – Däḍimuṇḍa Dēvatā Baṇḍāra
Deudru Oye – Däduru Oya
Deega – Dīga
Dehideniya – Dehideṇiya
Deiven Nileme – Diva Nilame
Dekum – Däkum
Delgoda – Delgoḍa
Deltotta – Deltoṭa
Demela Ilangame – Demaḷa Ilaṅgame
Dematagolla – Demaṭagolla
Depalata – Depaḷäta
Dessave – Disāva
Dewale *or* Dewalle – Dēvāle
Deyala *or* Dewalle – Deyāla Dahamuné
Deykum – Däkum
Deyti Toppiya – Däti Toppiya
Dhammante Waasika – Dhamm-antevāsika
Dhaneeya – P. Dhaniya
Dherna – Dharṇā
Dimbula – Diṁbula
Dimbulgomuve – Diṁbulgamuva
Dimeytigeyma – Dimäṭigamā
Dippitiya – Dippiṭiya
Disave *or* Disava – Disāva
Dissawassam – Disāvasam
Diwa Nilame – Diva Nilame
Diwen Nilame *or* Diwenh Nileme – Diva Nilame
Diwi Sittu – Divi Sīṭṭu
Diwi Wasagama – Divivāsagama
Diwulwewe – Divulvāva
Diwurum Bogaha – Divurum Bōgaha
Diyawadana Nilame – Diyavaḍana Nilamē
Diyekelinawela – Diyakeḷinavela
Dodanwala – Doḍanvaḷa
Dolosbage – Doḷosbāgē
Doloswela – Doḷosveḷa
Doolleywe – Dullāve
Dorabawile – Dorabāvila
Dukgannarale – Dukgannārāla
Dukgenawili *or* Dukgeynawilli – Dukgänavili
Dukkata – P. Dukkaṭa
Dumbera *or* Dumberah – Dumbara
Dummoladeniya – Dummaladeniya
Dunukara – Dunukāra
Dunumadalagahagawa Hinna – Dunumadalagaha-gāvā hīnna
Dunumadalawe – Dunumaḍalāva

Egoda – Egoḍa
Egodamura – Egoḍamura
Elaolu Kat – Elavalu Kat

Gabada Gan – Gabaḍā Gam
Gabanarales – Gabanarālas
Gabadawa – Gabaḍāva
Gabedawe Haterapantitiye – Gabadāve Hatarapantiyé

Gaewilipitiya – Gāvilipiṭiya
Gahalagamboda – Gahalagamboḍa
Gajanaika – Gajanāyaka
Gala – Gāla
Galagoda – Galagoḍa
Galapitamade – Galapiṭamaḍa
Galbada – Galbaḍa
Galgiriyawe – Galgiriyāvē
Gallele – Gallälla
Gamagoda – Gamagoḍa
Gankara – Gamkāra
Gankewala – Gamkēvela
Gammahe – Gammahē
Gam or Gan Sabe – Gamsabē
Gamwasam – Gamvasam
Gandolaha – Gandoḷaha
Ganegoda – Gaṇegoḍa
Ganeswera – Gaṇésvara
Ganeytenne – Gaṇétānna
Gangarama Wihara – Gañgārāma Vihāra
Gangoda – Gangoḍa
Ganoruwe – Gannoruva
Gansabe – Gamsabā
Ganwasamkarayo – Ganvasamkārayō
Gardiye – Gārdiyē
Gewilipitiya – Gevilipiṭiya
Geytambe – Gäṭaṁbé
Ghana – P. Gaṇa
Ginihatpitiya – Ginihatpiṭiya
Godagama – Goḍagama
Godawela – Goḍavela
Gonagame – Gōṇagama
Gonagodapitiya – Gōṇāgoḍapiṭiya
Gowtama – Gautama
Gunneypana – Gunnēpāṇa
Gurunnanse – Gurunnānsē

Habalakkawe – Habalakkāva
Hakahinna – Hakahīnna
Hal – Hāl
Halangoda – Halangoḍa
Halmilleywe – Halmillāva
Haloluwe – Haloluva
Haluwa – Haluva
Haluwadana – Haluvaḍana
Halyale – Hāliäḷē
Handaganawa – Haňdaganāva
Handapandunu – Haňdapāndunu
Hangawela – Haňgavela
Hanguramketa – Haňguranketa
Hantaane – Hantāne
Hanwella – Hanvälla
Hapitigam – Hāpiṭigam
Hapuwida – Hapuviḍa
Haris *or* Harris Pattu – Hāris Pattu
Hatbeywa – Hatbāva
Hela – Hēla
Hena – Hēṇa
Henaya – Hēnayā
Hendu – Heṇḍu
Hevisi – Hēvisi
Hewa – Hēvā
Hewadiwala – Hēvādivela
Hewaheta *or* Hewaheyta – Hēvāhata
Hewahetta *or* Hēwāheyte – Hēvāhäṭa
Heyliyagoda – Häliyagoḍa
Heytapenge – Häṭapängē
Hindagala – Hiňdagala
Hingule – Hiňgule
Hirage or Hiragey – Hiragē
Hitawaka – Hitāvaka
Hiyarapitiye – Hiyarapiṭiya
Hoolawaliya – Hulavaliyā
Hulla – Hula, ula
Huluganga – Huḷugañga
Hundu – Huṇḍu
Huniyam – Hūniyam
HunugannaMeistry – Hunugāna Mēstri
Hurikaduwa – Hurikaḍuva

Ihalakotte – Ihalakōṭṭe
Ilandariyo – Ilandāriyō
Ilukmodere or Modara – Ilukmōdara
Indoolgodeya – Iňdulgoḍayā
Inginipitiya – Inginipitiya
Ingooroowatte – Iňguruvatta
Isa Kada arawala – Isa Kaḍa aravalā

Jama Karanava – Jāma Karanavā
Janele – Janēle

Kaalwane – Kālvāne
Kadapayi – Kaḍapayi
Kadarajakariya – Kadarājakāriya
Kadawata or Kadawetta – Kaḍavata
Kadiyawe – Kaḍiyāve
Kadugannawa – Kaḍugannāva
Kahapitiye Kele Hinna – Kahapiṭiye Kälā Hinna
Kahatadena – Kahaṭadena
Kahatakulama – Kahaṭakuḷama
Kala Oya – Kalā Oya

Kaloogamuwa – Kaḷugamuva
Kalu Etena – Kaḷu Etanā
Kalumenika – Kaḷumäṇikā
Kaluweregaswewa – Kaluvaragasväva
Kandupiti – Kañdupiṭi
Kangan *or* Kanghan – Kaṅkānama
Kanjy – T. Kañji
Kankan – Kankāṅi
Kankanam – Kaṅkāṇama
Kappagoda – Kappāgoḍa
Kapurale – Kapurāla
Karahanpitigoda – Karahanpiṭigode
Karaleywa – Karalāva
Karamaroowa – Karamāruva
Karambeweywe – Karaṁbōväva
Karanawa – Karanavā
Kareyo – Kārayō
Kariyakaranarale – Kāriyakaranarāla
Karooppe – Karuppē
Karulagasweywe – Karuvalagasväva
Kasakara – Kasakāra
Kathal *or* Kathaal – Kat-hāl
Kattadiya – Kaṭṭaḍiyā
Kattregam – Kataragam
Katubulle – Kaṭubullē
Katugastotte – Kaṭugastoṭa
Kandudeniye – Kavuḍudeṅiye
Kawudawulla – Kavuḍāvulla
Keertisree – Kīrtti Srī
Kehelelle – Kehelella
Keley – Käḷē
Kempiti Kanda – Kempiṭikanda
Keppetiya – Kappiṭiya
Ketta – Käṭa
Keykulu Hal – Käkulu hāl
Keyndi – Käṅda
Keytakumbur – Käṭakuṁbure
Kikirigoda – Kikirigoḍa
Killikeda – Kilikaḍa
Kindigoda – Kiṅdigoḍa
Kirawala – Keravaḷa
Kiraweli – Kīraväli
Kirimetiya – Kirimätiyā
Kirioroowe – Kirioruva
Kiriwanagama – Kirivānāgama
Kirry Menika – Kiri Mäṇikā
Kirttisri – Kīrttisri
Kodi Sawaram – Koḍi Savaram
Kodituakku – Koḍituvakku
Kohukumbure – Kohukuṁburē
Kolloo – Koḷḷu
Kolongahapitiye – Kolongahapiṭiye
Kookkam Madowa – Kukkan Maḍuva

Koopayam – Kuppāyam
Kooragandeniya – Kuragandeṇiya
Koorampitiya – Kurampiṭiya
Kooroo – Kūru
Kopu – Kapu
Koragoda – Koragoḍa
Korale *or* Koralle – Kōrāḷa
Korle – Kōralē
Kornegalle – Kuruṇāgala
Koroowe – Kūruva
Koskotey – Koskoṭē
Kotika kumbura – Koṭika kuṁbura
Kotmele – Katmalē
Kottapeyduru – Koṭṭapäduru
Kottukachchiye – Koṭṭukacciye
Kowdoopittiya – Kavuḍupiṭiya
Kuda – Kuḍā
Kudagama – Kuḍagama
Kumarasinhe – Kumarasiṁha
Kumara Wanni Unneyhe – Kumára Vanni – Unnähē
Kumba – Kuṁba
Kumbalgam – Kuṁbalgam
Kunan Maduva – Kūnam Maḍuva
Kundasale – Kuṇḍasala
Kuppayama – Kuppāyama
Kuruwe or Kuruwa – Kūruve
Kuttaha – Kuttā

Laha – Lāha
Lay Dade – Lē Dadē
Lekam – Lēkam
Leweylle – Lēvālla
Lingathenaka – P. Lingatthenaka
Liyenarale – Liyanarāla

Maalugey – Mālugē
Maawaane – Māvāne
Maawela – Māvela
Madagemmedde – Maḍagämmädda
Madappuligedara – Maḍappuligedara
Madawakkulame – Maḍavakkuḷama
Madawala – Maḍavala
Madige *or* Madigey – Maḍigē
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Mama – Māmā
Mampitiye Bandara – Māmpiṭiye Baṇḍāra
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Mangalya – Maṅgalya
Manik Etana – Māṇik Etanā
Mapanawatura – Māpanavatura
Maruppa Kattakaduwa – Maruppa Kaṭṭakāḍuva
Mataka Daanay – Mataka Dānē
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Moladande – Moladaṇḍe
Molligoda – Molligoḍa
Mooddoo Sawmy – Muttu Sāmi
Moolpanguwa – Mulpaṅguva
Moong – Muṅ
Mottappuliya – Moṭṭappuḷiya
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Mukha Wadanbandinawa – Mukha Vāḍanbaṅdinavē
Mukkaru – Mukkaru
Mukulan Hen – Mūkaḷan Hēn
Mulachariya – Mūlācāriyā
Multenbana Welawata – Mulutānbāna velāvaṭa
Multenge – Muḷutängē
Munapanawa – Mūnāpanavā
Munesseram – Munnesseram
Murakaraya – Murakārayā
Mura Ridi – Muraridi
Mutetu *or* Muttettu – Muttetṭu
Muttoli – Muttōli

Nadoo – Naḍu
Naembili Kumbura Weda – Nämbili Kumbura Vedā
Nagolle – Nāgolla
Nallandiya – Nallāṇḍiya
Nanamura Mangalya – Nāna Mura Maṇgalya
Nanayakkara – Nānāyakkāra
Napane – Nāpaṇē
Naranbadde – Nāranbadde
Narangwitta – Nāraṅviṭa
Naranwita – Nāraṅviṭa
Narendrasinhe – Narendrasiṁha
Nayaka Unnansela – Nāyaka Unnānselā
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Negethanthera – Nākātantara
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Nugewela – Nugavela

Nuwarakalaweya *or* Nuwerakalawiya – Nuvarakalāviya
Nuwera Wewe – Nuvaravāvē
Nyatti Waakya – P. Natti Vākya

Otunu – Oṭunu
Oudoogoda – Udugoḍa

Paadarhe – P. Pādāraha
Paarajika – P. Pārājikā
Pabbajjante Wassika – P. Pabbajj-ante vāsika
Pachcha Wadan – Pacca Vaḍan
Pachiti – P. Paciti
Padaarha *or* padarha – Skt. Pādārha P. Pādāraha
Padi – Padi
Padidora – Padīdora
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Pangua – Paṇguva
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Parena – Paraṇa
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Parveny – Paraveṇi
Pasbaage – Pasbāgē
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Patabendi – Paṭabäňdi

Pata Rate – Pātaraṭē
Patra – Pātra
Patta – Paṭa
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Pattrippuwa – Pattirippuva
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Peraweyli – Peravāli
Peroowe – Pēruva
Pettiya – Peṭṭiya
Peunna – Pē unā
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Peyla – Päla
Peyni – Päṇi
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Pooya Pawaarema – Pōya Pävarīma (P. Uposatha pavārana)
Pooya Pawaaruna – Poya Pavārana
Porawakarayo – Poravakārayō
Poya Malos – Pōya Malu
Puhulpitiya – Puhulpiṭiya
Pupuresse – Pupurässa
Purampattu – Purampāṭṭu
Purangwele – Puraṇvelē
Purappadu – Purappādu
Pussellawa – Pussällāva
Puswelikanda – Pusvälikanda
Putalam – Puttalam
Putuwe – Puṭuva

Radabadde – Radābadde
Rahoobadde – Rahubaddē
Rajadhi – Rājādhi
Rajakariya – Rājakāriya
Raja Singha – Rājasiṁha
Rakawallo – Räkawallu
Rale *or* Ralla *or* Ralle – Rāla

Ramasamy – Rāmasāmy
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Ridi – Ridī
Ritili *or* Rittili – Riṭilī
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Rutwatte – Ratwatte

Saakie – Sākki
Saangheeka – P. Sāṅghika
Saddhiwiharika – P. Saddhivihārika
Saffragam – Sabaragamu
Samaneira – P. Sāmaṇera
Sangha – P. Saṅgha
Sangwaasathenaka – P. Saṁvāsathenaka
Sannass – Sannas
Sara Maru (maroo) – Sāra Māru
Sattamby – Saṭṭambi
Seemawa – Sīmāva (P. Sīmā)
Seewoorooloo Ralle – Sivuraḷu Rāla
Seka – Saka
Sesata – Sēsata
Sewooralle *or* Sewoorooloo – Sivuraḷu
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Sinhasana – Siṅhasana
Sittu – Sīṭṭu
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Soman – Sōmana
Soodoo Kooma – Sudu Kumā
Sooloowaga – Suḷuvaga (P. Culḷavagga)
Sooraweeragey – Sūravīragē
Sooroottoo – Suruṭṭu
Soottree – Sūtra
Suwandiram – Suvandiram
Swarnakalyana Widiya – Svarnnakalyāṇa Vithiya

Tadooppoo – Taḍuppu
Tahadu – Tahaḍu
Talakumbura – Talakuṁbura
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Talatu Muttu – Talātu Mūṭṭu
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Tamankaduwe – Tamankaḍuva
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Tappa Mol – Tāppa Mōla
Tattu Maroowa – Taṭṭumāruva
Teldeniye – Teldeṇiya
Teroonaanse – Terunnānsē
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Tuppatty *or* Tuppotty – S. Tuppaṭṭiya T. Tuppoṭṭi
Tuttu – Tuṭṭu

Ubhayathenaka – P. Ubhayatthenaka
Uda – Uḍa
Udagampaha – Udagampaha
Udanwita – Udanviṭa
Udapalata – Uḍapaḷāta
Udaratta – Udaraṭa
Udawatte Keley – Uḍavatte Kälō
Udawidiya – Uḍav diya
Udispattu – Uḍispattu
Udoowela – Uḍuvela
Udugalpitiya – Uḍugalpiṭiya
Udumagama – Uḍumāgama
Udunuwera – Uḍunuvara
Uduwaka – Uḍuvaka
Uduweriye Rale – Uḍuvériye Rāla
Uduwewela – Uḍuvēvela
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Ukkoo Manika – Ukku Mänikā
Ulapaney – Ulapanē
Uloopen Gey – Uḷpän Gē
Ulpenge *or* Ulpeynge – Ulpängē
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Undu – Uṅdu
Unguwa – Uṇguvā
Unnanse – Unnānsē
Unneyhe – Unnähē
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Upasakaya – Upāsakayā
Upasampada – Upasampadā

Upasampadante Waasika – P. Upasampadantevāsika
Uruleywatte – Urulāvatta

Vellale – Vellāla
Vidahne *or* Vidan *or* Vidana – Vidāne

Waal – Vāl
Wadana talatta – Vaḍana tal atta
Wadanatuvakku – Vaḍanatuvakku
Waduragala – Vadurāgala
Waduwa – Vaḍuvā
Wahala – Vāhala
Wahalkada Tira – Vāhalkaḍa Tira
Wakirigala – Vākirigala
Walapane *or* Walapaney – Vaḷapanē
Walauwa *or* Walawuwa – Valavva
Walgama Rala – Valgama Rāla
Wallahagoda – Valahagoḍa
Wallauwa – Valavva
Walpola – Valpoḷa
Wannaku – Vaṇṇaku
Wannigar – Vanniyār
Wanniya – Vanniya
Waragama – Varāgama
Waroowa – Varuva
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Wass – Vas P. Vassa
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