

Prof. G. G. R. *G. G. R. Rajapaksepillay*

THE CEYLON JOURNAL OF HISTORICAL AND SOCIAL STUDIES

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No. 2

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ERRATA

- p. 144 footnote 2, last line: for 1951 read 1961.
- p. 148 footnote 1, line 2, *before anthropologists insert* Among.
- p. 149 last para, line 9, for representation read representative.

THE KINGDOM OF KANDY: ASPECTS OF ITS EXTERNAL
RELATIONS AND COMMERCE, 1658 — 1710

S. ARASARATNAM

Owing largely to the Europeo-centric character of our studies in the modern history of Ceylon, the external relations of the indigenous Kingdom of Kandy have not been investigated by historians, with Kandy itself as the starting point. Looked at from this viewpoint, it would appear that, for a greater part of its history, the external relations of the Kandyan Kingdom had been largely governed by trade and the desire to keep its windows open to the world outside. The changing political fortunes of the first part of the 17th century in Ceylon made Kandy emerge as the capital of the only indigenous state in the island. This emergence of Kandy as the seat of Sinhalese power was the result of the successful penetration of first the Portuguese and then the Dutch power into the island. With the increase in power and prestige acquired by the Kingdom of Kandy in the first half of the 17th century, it was natural that she should also become the legatee of the factors which had traditionally brought Ceylon into contact with the outside world. So that while Sinhalese power had now withdrawn into the interior the better to safeguard its independence, it had also to endeavour to keep its windows open and its links outside continuous. For if these links were cut off and the Kandyan were to lock themselves up virtually in their mountain chains, they would lose their prosperity, their vitality and even their independence. The geography of the Kandyan highlands was not such as to sustain a vigorous Kingdom. Succeeding Kings of Kandy realised this fact and fashioned their policies accordingly.

These foreign contacts consisted of free commercial connections with traders from other countries and the free conduct of political relations with other powers. The King had thus been able to conduct negotiations and conclude treaties with the Dutch for the purpose of expelling the Portuguese from the island. The Dutch, on their part, read the obvious inference from this free and untrammelled conduct of foreign relations by the King *vis-a-vis* themselves and the Portuguese. Hence they sought to tie the hands of the Kandyan King and curtail his freedom at least in his conduct of relations with other European nations. Thus it was written into the contract of 1638

that he could not have political or commercial dealings with any other European power.¹ This was only the beginning of the story. When the Dutch replaced the Portuguese in 1658 as the maritime European power, the Kandyans yet had the right of free commerce with Asian traders and controlled some of the ports of the island. On the West coast they had Kalpitiya and Puttalam, and on the East coast Trincomalee, Kottiyar and Batticaloa.²

How much the Kandyans depended on foreign commerce it is very difficult to determine. Whatever available evidence—mainly from European sources—points to a fairly brisk trading in the above mentioned ports. Each of the ports served as the entrepot of separate areas of the Kandyan Kingdom. Puttalam and Kalpitiya served the Seven Korales, which, by all accounts, was a very fertile and thickly populated district. Goods were brought in pack-oxen to Puttalam by land and taken from there in small boats to Kalpitiya. The Puttalam waters were too shallow for the larger vessels which usually called at Kalpitiya. There was also a considerable sailing direct from Puttalam to the southernmost coast of India in smaller boats.³ Kottiyar was perhaps the best harbour of the Kandyan Kingdom from the point of view of berthing facilities. There was a large bazaar some few miles inland at Killevetty where the buying and selling took place. It served a large area, from the lands immediately surrounding it to deep in the interior up to Kandy and Matale. A land route from Matale to Kottiyar, probably following the Mahaveli Ganga, was commonly used by convoys of pack-oxen bringing down and taking up goods to and from the harbour.⁴ The royal customs house here was abandoned only when the Dutch siezed Kottiyar in 1668, at which time the Dutch found it administered by one Mylar Perumal who received the customs on behalf of the King.⁵ Batticaloa served the south-eastern part of the kingdom and had roads leading to it through Minipe and Wellassa from the Uva area. The south-western parts of the Kingdom had no outlet to the sea owing to rigorous Portuguese and later Dutch

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1. Treaty between Adam Westerwold and Rajasinha, 1638, See *Memoir of Joan Maatsuyker*, translated E. Reimers (Colombo 1927) Appendix A, pp. 43-46.
 2. S. Arasaratnam, *Dutch Power in Ceylon 1658-1687* (Amsterdam 1958) p. 2.
 3. *Memoirs of Ryckloff Van Goens 26 December 1663*, translated E. Reimers (Colombo 1932) p. 16.
 4. Diary of a tour of Ryckloff Van Goens jnr. round the island, 1671, Dutch Records (Government Archives, Nuwara Eliya) 2713 fo 444.
 5. Governor General and Council of Indies to Governor and Council of Ceylon, 16 July 1671. Koloniale Archief, The Hague (Hereafter referred to as Kol. Arch.) 798 fo 486.

control over the adjacent sea coast. Here there grew up an inland trade with the coastal authorities consisting mainly in the exchange of goods carried out on the frontier towns like Ruanwella, Sitawake and Katuwana.

An important characteristic of this trade was that it dealt in commodities that were bought, sold and consumed by the ordinary man. The main article of import was cloth, of export, arecanut. Arecanut was collected in the villages from the individual producers by pedlars or middlemen, assembled in one place and carted in bulk to the trading station. Here it was handed to the foreign traders. The money thus procured was invested on cloth that was brought from India by the traders, taken inland and sold in retail to those people who had acquired some money by the sale of their arecanuts. It is difficult to say how much money actually changed hands. It is quite likely that, as each trader and each middleman dealt in both articles, much of the negotiations in actual practice took the form of barter. For the foreign trader it was a two way profit and therefore well worth the trip, which was in any case a short one and took but three or four days from the South Indian coast to Ceylon.

Other articles were also traded in. Paddy was sometimes brought in and sometimes taken out, especially from the Eastern ports, depending on the relative demand and supply in Ceylon and India. Elephants were taken now and then as also was ivory. Salt and dried fish were brought to the Western ports. Among articles taken out were Kandyan wood work and mats. Whenever the King or the chiefs desired any special article of luxury, it was generally ordered through these traders and paid for out of the royal export goods.

The volume of the trade may be gauged from general estimates by its Dutch contestants and other scanty evidence. There is no doubt that Kalpitiya had the largest turn out in trade for a great part of the 17th century, evidently larger even than the European-controlled ports which was the reason why the Dutch thought it advisable to occupy and fortify the place in 1659.¹ The boats that came there were mainly from the Madura and Tanjore coasts. The fact that this traffic continued in substantially large volume under the Dutch well into the 18th century shows that it was a well-established phenomenon that could not easily be disturbed. In Kottiyar, according to an estimate by Perumal, the royal receiver of dues, 30,000

1. Van Goens, Governor of Ceylon, to Governor General and Council 6 July 1658. K.o.l. Arch. 1117 fo 278.

amanams¹ of arecanut were taken from there each year. About 100 sampans² showed up with the monsoon. Annual sales of cloth amounted to about 80,000 Pagodas³ (480,000 Dutch Guilders).⁴ A Dutch report of 1666 says that 30 to 40 sampans were seen at one time in Batticaloa.⁵ It was not unusual for English country vessels to be seen in the East coast especially in Kottiyar Bay, as is seen from Knox's experience before the Dutch power moved in there.⁶

The bulk of the participants were Hindu and Muslim traders from the Indian coast. The exact nature of their relationship with the Kandyans, how much the latter participated in the actual trade and similar questions are difficult to determine in the absence of more accurate evidence. It can be asserted, however, that over the years a community of interests had developed between the Sinhalese and the foreign traders. A good number of Muslim traders were settled in Kalpitiya and Puttalam on the West and Batticaloa on the East—settlements which the Dutch tried later, without success, to root out. Some of them had also penetrated into the interior of the Kingdom and must have been the pedlars and middlemen between the village and port. (The Dutch called them *Chiolia* Moors as opposed to the Bengal and Surat Moors—a term they applied to all Muslim traders of the Malabar, Madura and Ceylon coasts). No less important were the Chetty settlements in Kalpitiya and Kottiyar; the above mentioned Perumal appears, judging from his name, to have been a Chetty. Chetties too had ventured into the interior, and Knox, refers to some of them keeping boutiques in villages.⁷

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1. Amanam (or amunam) is a standard of measure containing 20,000 to 24,000 pieces of arecanut.
 2. A sampan is a small light boat adapted both for rowing and sailing.
 3. A pagoda is a coin of gold, current in this period in Southern India, worth about 3 Rupees or 6 Dutch Guilders.
 4. Governor General and Council to Directors, 5 February 1671, Kol. Arch. 1169, fos 360-1.
 5. Van Goens to Governor General and Council, 12 November 1666, Kol. Arch 1147, fo 169.
 6. Knox, *An Historical Relation of the Island Ceylon* (London, 1681) pp. 117-119; English Agent at Madras to Directors of English East India Company, 11 January 1660, See. D. W. Ferguson, *Captain Robert Knox: Contributions towards a biography*. (Colombo, 1896-1897) p. 7.
 7. Knox, *An Historical Relation of the Island Ceylon* (London, 1681), Interleaved Copy, Christie Library 43E, British Museum, p. 6.

Other traders consisted of natives of Jaffna and Mannar sailing down both the West coast and East coast, Paravas from the Madura ports and Hindu and Muslim traders from the Coromandel and Golconda coasts. There were both Muslims and Tamils in the King's service in Kandy. The Government participated directly in trade in the sense that the produce of the royal demesne or *gabadagam* was taken to the ports by royal officials and sold directly to the traders on the King's account. It consisted mainly of arecanuts which was derived both from taxation and from the King's estates. Precious stones found in Sabaragamuwa were a royal monopoly and so were elephants till the Dutch effectively monopolised trade in them into their hands. It is not known to what extent the Government participated in the cloth trade. But there is evidence that the Chiefs, particularly the Dissavas of districts adjacent to the seaports, traded for their own benefit. The names of the Puttalam chiefs occur very often in this connection. This was a factor of immense importance in influencing Kandyan external policy.

To a King who did not have a navy of his own, commercial contacts were the only channel for external relations. Letters and couriers were sent out from the ports with the help of traders who came there and who willingly obliged because of the necessity to create good will with the royal administration. A letter of Rajasinha to the English at Madras was sent in 1666 in a sampan sailed by Chetties and Muslims and was intercepted by the Dutch.¹ The prior information of the arrival of Admiral de La Haye's French fleet at Trincomalee must have been given to the Kandyan by the French Capuchin priests of the Coromandel coast through these traders.² In 1675 Rajasinha sent one of the French ambassadors at his court to South India in the vessel of one Perumal Arachi; this vessel too was intercepted by the Dutch.³ Muslims were sometimes sent as envoys by the King to the Dutch.⁴ It appears from all this evidence that, to the non-sea-faring Sinhalese, the visitors from India were very welcome. Far from there being any political hostility against the foreign trading communities, Hindu and Muslim, there had grown up a genuine community of interest between the two parties strengthened both by mutual benefits accruing from trade and by personal contacts and favours. Undoubtedly, the trade and traffic of the

1. Van Goens to Directors, 17 January 1667, Kol. Arch. 1147 fo 25.

2. S. P. Sen, *The French in India: First Establishment and Struggle* (Calcutta, 1947) p. 88.

3. Governor General and Council to Directors, 7 February 1676, Kol. Arch. 1196 fo 283.

4. Van Goens to Directors, 30 November 1670, Kol. Arch. 1164 fo 55.

Kandyan Kingdom was not of such great importance as to warrant the statement that the administration derived a great part of its income therefrom or was in any way markedly dependent on it. But it is true that this traffic did conduce to the prosperity of the community and sustained the vitality of its economic life by keeping open its doors to the outside world. And in any event, the freedom to have dealings with anyone of your choice is as important as the actual exercise of this freedom.

This state of affairs was in conflict with Dutch commercial policy. After the expulsion of the Portuguese from Ceylon it was not the aims of Dutch policy to continue its dealings with the Kandyan Kingdom on the former basis as between the independent states. Dutch policy, as it developed over the next few years under the stress of increasing European competition, was to contain the Kandyan Kingdom within land-locked boundaries and seek to divest it of its outlets to the sea and to the outer world. Indeed, it was their intention to channel all foreign intercourse and commerce of the Kandyans through Dutch sources and maintain the Kandyan Kingdom in subordinate isolation—a sovereign entity but deprived of the right of foreign control. The economic arm of this policy was the control of the trade of Kandy. All Kandyan products would be sold to the Dutch who would export them outside and all articles they desired would be imported through the Dutch. This would not only give them the profits due from this trade, it would also be a means to keep the Kandyan administration subservient to and dependent on the Dutch. This policy developed over a time during which succeeding Kandyan Kings put up a desperate resistance to the inroads of the Dutch. The struggle of the Kandyans which took diverse forms is an interesting aspect of the history of Ceylon and when analysed from the Kandyan angle sheds light on certain hitherto little known facets of Kandyan policy.

The first shot in this struggle was fired in February 1659 when the Dutch suddenly attacked and occupied Kalpitiya. As was to be expected, this provoked a furious assault by Rajasinha who sent three of his Dissavas with a large army through the Seven Korales to converge on Kalpitiya. The small Dutch occupying force at Kalpitiya was in danger of being cut off and annihilated and a Dutch army was promptly despatched by land from Negombo under Van der Meyden to relieve the garrison. Desiring to avoid an open clash with Dutch forces, the Kandyan army withdrew into the Seven Korales, but only after devastating the entire lands round Kalpitiya.¹ Thus a

1. Van Goens and Van der Meyden to Directors, 23 July 1659, Kol. Arch. 1119 fo 879.

valuable harbour was lost to Kandy. But this was only the beginning and from now on the trend was clear.

Further extension of Dutch control over the other seaports followed after the Kandyan rebellion of 1664 which they thought was a good occasion to utilise. The disadvantages of the lack of any sort of naval power was seen when Rajasinha, in his helplessness against the rebels, requested the Dutch to cruise the Eastern ports of Trincomalee and Batticaloa, to prevent them getting help from or escaping outside.¹ The Dutch took advantage of this temporary weakness of the King to occupy Trincomalee (in 1665), Batticaloa (1668) and Kottiyar (1668).² Now the Kandyans realised that the pressure was on. In 1670 a system of passes was initiated by which all vessels sailing into any of the Ceylon ports had to carry a Dutch pass which could be obtained at any of the Dutch factories of India. This meant that they were now in a position to specify the articles that could be brought into or taken out of Ceylon in private vessels, the places to which these vessels could sail and ultimately the prices of the articles traded in. Kandyan external policy was now directed towards the eradication of this serious danger to its economy and power. The need to keep open the avenues into the Kingdom was as much a motive force of the conflict of the next years as that of recovering ancestral lands on the western frontier siezed by the Dutch.

Rajasinha realised that he could not succeed in this aim without the support of a seapower. Hence he made attempts to secure the assistance of two European competitors of the Dutch in the East - the English and the French. Dealings with the English did not fructify because they were not then in a position to undertake hostilities in the Indian Ocean. There was greater success with the French who themselves sought out Rajasinha because they were badly in need of a trading station in the Indian Ocean and one of the East coast ports seemed ideally suited to their purpose. The King received their emissaries well, extended to them the utmost cooperation and granted them the right to settle down and build fortifications in the Bay of Kottiyar.³ It showed the extent to which he was prepared to go in keeping free the trade of his ports and in breaking the recently established Dutch monopoly. This French episode was a failure, mainly due to the weakness, at this stage, of French power in the East.⁴

1. Van Goens to Directors, 2 March 1665, Kol. Arch. 1136 fo 530.

2. Arasaratnam, *op. cit.* pp. 33, 42-44.

3. *Memoir de Francois Martin*, Ed. A. Martineau (Paris 1931) I, pp. 328, 349.

4. For detailed account of the French episode see S. P. Sen *op. cit.* Chapters VI to X., Arasaratnam, *op. cit.* pp. 61-66.

The only means left now was to apply pressure by land on the Dutch frontiers and to cut off all communications between the highlands and the coastal areas. It was tantamount to a counter-blockade which the Dutch had imposed by sea in 1671. It could be quite adverse in its effects on the Dutch because a considerable amount of food provisions for the lowlands came from the Kandyan lands, especially from Sabaragamuwa and Seven Korales. Besides, if the bringing down of arecanuts by his subjects was stopped by the King, it would drastically reduce the gross arecanut export from the island. It was estimated by the Dutch that about two thirds of the total export from Ceylon came from Kandyan lands and went out through the former Kandyan ports¹ If the Kandyans also denied themselves the cloth that the Dutch desired to import and sell, then the amount of cloth sold would also be reduced. It would, of course, cut both ways, and demand a great deal of sacrifice on the part of the Kandyans. If they could not sell their arecanuts in time, these would just rot in the trees and the people deprived of the only means of getting hold of some liquid cash with which to purchase their needs. This feature was observed by Knox, the contemporary eye witness, when he said: "Money is not very plentiful in this land, but by means of these nuts . . . they furnish themselves with all things they want."² The demands of the economic interests and prosperity of the Kingdom in the long run necessitated such, and later on even greater, sacrifices. The blockade now becomes an instrument of Kandyan national policy.

The period of hot war started with 1670. As the degree of strength of Dutch power was less on the East than on the West, and as the extent of loss suffered by the Kandyans in this region was very great, considerable energy was expended in the struggle here to expel the Dutch. In 1670, Kandyan forces, both regular and irregular, attacked Kottiyar, Batticaloa and Panama.

Risings of the people were provoked by the use of the influence and prestige of the King's name. Special attention was paid to Kottiyar, the place which, as seen above, had been a major outlet of the Kingdom. The rebellion was led by Illensinghe Vanni, who had been a Vidane under the Kandyan administration. The pressure was so great that in all these three places the Dutch troops had, at least temporarily, to be removed and the strongholds abandoned.³ In the face of this display of open hostility, the Dutch with

1. Van Goens to Directors, 26 November 1674, Kol. Arch. 1188 fo 40.

2. Knox, *op. cit.* p. 22.

3. Van Goens to Directors, 30 November 1670, Kol. Arch. 1164 fo 54.

their enormous seapower clamped down on the entire trade of the East coast and imposed a strict blockade.¹ Taking advantage of the diversion caused by the arrival of the French in Trincomalee in 1672, further hostilities were engaged in by the Kandyan in this area. Dutch forts at Chinnecalatte and Pulianthivu in the Batticaloa area were besieged and had to be withdrawn.² It was also sought to dislodge the Dutch from the salterns of the South East and thus to keep open the salt supply of the Kingdom.³ In much the same pattern, only greater in its intensity, was the attack of 1675 which was conducted on all fronts both in the East and to the West. Kandyan Dissaves were sent to the coast to conduct operations personally.⁴ There is thus a series of efforts on which Kandyan energies were expended to prevent the Dutch from ringing them in.

Though these efforts succeeded in denying the Dutch territorial possessions along the Eastern seaboard, they could not keep them out of the important strongholds in this region. The forts of Trincomalee and Batticaloa, and the redoubt at Kottiyar remained the seats of Dutch power in spite of several vicissitudes of fortune. By means of sloops based in these places the seas were guarded and they were able to continue to maintain their hold on the trade, even though their actual territorial possession was small. The several Kandyan attempts to keep open the ports of the East were thus ineffective. The effects that this had on the trade of the area and consequently on the prosperity of the hitherland were immediate and drastic. Statistics of the trade of Trincomalee after ten years of Dutch control as contrasted with the position before show that the trade had dwindled to a trickle. Even if the estimated sale of cloth that was brought to Kottiyar of 80,000 Pagodas (480,000 Dutch Guilders) in the time of free trade was an exaggeration, the contrast with figures for 1681—2 or 1682—3 is inescapable. In 1681—2 the sales recorded throughout the Eastern coast was a meagre 5342 Guilders and in 1682—3 a sum of 3486 Guilders.⁵ This must undoubtedly have led to a reduction in the prosperity of the area and in the revenues the

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1. Van Goens jnr. to Governor General and Council, 25 October 1672, Kol. Arch. 1178 fo 421.
 2. Van Goens jnr. to Directors, 6 February 1673, Kol. Arch. 1182 fos. 32-34.
 3. Ibid.
 4. Van Goens jnr. to Governor General and Council, 11 October 1675, Kol. Arch. 1197 fo 47.
 5. Pyl to Directors, 22 January 1683, Kol. Arch. 1262 fo 83; Pyl to Governor General and Council, 24 November 1683, Kol. Arch. 1272 fo 126.

Kandyan State derived from customs dues. The royal customs house had to be shifted to Minneriya which lay on the route from Kottiyar to Kandy.¹

Meanwhile, on the West coast the control over trade was even stricter. No vessel could get through to the Kandyan port of Puttalam without first touching at Kalpitiya and having its pass and contents examined, a process repeated as the boat left Puttalam as well.² Smuggling was even more difficult on the West coast as here the Dutch had several strongholds and there was constant cruising of these waters. The change over of a free and unlimited trade into a monopolistic bottleneck had effects which are customary in such cases. There was a progressive decline in the price of arecanuts, and a decline in the quantity exported. There was a decline in the amount of cloth sold because the means to contact the Kandyan market that had existed earlier were not now available to the Dutch. Thus while Knox observed that large quantities of these nuts were rotting under trees, a Dutch ambassador to Kandy in 1671 noted several complaints among the people over the dearth of cloth and salt.³ The cumulative effect of this narrowing of the avenues of trade both to the West and to the East may well be surmised. Decline in commercial dealings and in the frequentation of Indian vessels meant a decline in the amount of money circulating in the country. This must certainly have effected the economic position of the community, besides affecting the revenues that such commercial activity would have brought to the State.

All this activity of the Kandyan administration had this limited success in that it influenced the Dutch to undertake a revision in policy after 1675. They now sought to offset the hostility of the Kandyans and win them over once again to friendship. Even though the Kandyans could not recapture the seaports, they had amply demonstrated their power of destruction. The fruits of monopoly could not be enjoyed without peace in the land and the co-operation of the Kandyans. The Kandyans, on their part, were naturally exhausted by the strenuous efforts they had put up in the past few years. Their King was ageing fast and was becoming less capable of the intense energy he had so far put into the war against the Dutch. Both parties were thus anxious for peace. Yet there were almost irreconcilable problems.

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1. Governor General and Council to Directors, 5 February 1672, Kol. Arch 1169 fo 337.
 2. Van Goens to Directors, 30 November 1670 Kol. Arch 1164 fo 70
 3. Report of Bystervelt's Embassy to Kandy, *Journal of the Royal Asiatic Society, Ceylon Branch* XI, p. 374.

The least the Kandyans expected was the evacuation of the territory annexed after 1665 and the liberation of the traditional ports of the Kingdom. The Dutch showed a willingness to evacuate territory in the interior but were very reluctant to hand back the ports or to free the trade. The Kandyans refused to touch any offer or start any negotiations that did not at the outset concede to them the right of free trade in their ports. The Dutch attempted to start negotiations conceding many things except the right of free trade. All such attempts were thus foiled at the outset.

With the accession of Vimala Dharma Suriya II as King of Kandy in 1687, this problem is again brought to the fore. Negotiations were opened with a view to arriving at a new contract, as the treaty of 1638 was now obsolete. The Political Council, ruling body of the Dutch in Ceylon, drafted a provisional treaty to be submitted to the Kandyans. The fifth article of this draft stipulated that the King and his chiefs were forbidden from having commercial dealings with any other European nations or with any orientals and from permitting any of their ships coming to the coast. They were obliged to sell all the goods found in the Kingdom to the Company alone. They were only permitted to sail to the Kingdom of Tanjore in small vessels with some specified goods.¹ The record of the negotiations between the chiefs of the court and the Dutch ambassador sent to present this draft to the King is very revealing of Kandyan attitudes. The chiefs reported to the ambassador that the King, after perusing the draft, had taken serious objection to this fifth article. He had remarked that even when the Portuguese were the worst enemies of the Court the ports of the island had never been effectively closed. In his view this claim of the Dutch was very unjust and to the prejudice of the people.² The chiefs assured the Dutch that if the ports Kalpitiya, Kottiyar and Batticaloa were opened as before 1664 there would no difficulty about the signing of a peace treaty.³

In response to the earnest requests, the Dutch reverted to various devices to confuse the Kandyans and avoid the main issue. The main point of this strategy was to seek to drive a wedge between the Kandyan court and the private traders. It was made out that the latter consisted mainly of Muslims from the South Indian coast who were treacherous and untrustworthy and

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1. Minutes of Political Council, 12 June 1688, Dutch Records (Nuwara Eliya) 30 fo 108.
 2. Beknopte Historie, *JRAS (C.B.)* XI, p. 99.
 3. Minutes of Political Council, July 1688, Dutch Records (Nuwara Eliya) 30 fo 121.

were merely seeking to utilise the court for their own advantage. The Dutch were firm and trusted allies of the court and in trying to deprive them of their profits by insisting on free trade, the Kandyans were discarding a proven friend for a treacherous rabble. The argument was carried even further to play on the fears of the Kandyans for an invasion from India. The Moghuls under Aurangzeb were penetrating deeper into Southern India and it was rumoured that they would conquer the whole of India up to Ramesvaram and even the island of Ceylon. In such an event Muslim traders would certainly side with their co-religionists and would betray this land to the Moghuls. This is all the more reason why the King should be joined to the Dutch in a firm alliance.¹ Viewing the problem objectively, this seems to be a fantastic assertion because an invasion of Ceylon would have required more naval than military power. And the navy was the biggest weakness of the Moghuls. It is not known, however, how much these fears were really present in Ceylon at that time. The Kandyans do not seem to have been bothered about it as they did not allow it to change their policy in any way.

The other argument used by the Dutch was an economic one. If the trade was left open, the quantity of arecanuts taken out of the island would be greatly increased and the price in the South India markets would fall, while the present channelling of all exports through the Dutch was helping in keeping up the prices there.² It followed from the theory of monopolistic trade as opposed to free competition which Dutch commercial policy was obsessed with at that time. There was some justification in this argument, but as far as the Kandyans were concerned this was a problem for the traders and hence they were not impressed. Besides these justifications, the Dutch also offered some incentives. They offered an increase in the purchase price of arecanuts and a share of the tolls on the imports and exports of the island. They offered further to grant paases to one or two ships per year chartered by the King and sailing under his flag to proceed unhindered to South India with some stipulated goods and return with purchases for the King's needs.³ None of these concessions came to anything, for from the Kandyan point of view they only touched on the fringes of the problem.

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1. Ibid; Minutes of Political Council, 17 February 1690, Dutch Records (Nuwara Eliya) 31 fos. 52-3.
 2. Ibid.
 3. Minutes of Political Council, July 1688, Dutch Records (Nuwara Eliya) 30 fo 121.

In the meanwhile, the Kandyans began to take action with a view to forcing the issue. Vessels belonging to Muslim traders were chartered by the chiefs in the King's name and sent out of Puttalam with articles of trade.¹ It was probably thought that respect for the King's authority would preclude the Dutch from apprehending these vessels and that they would be permitted to proceed without obstruction. This was a desperate move. For the ever-alert Dutch sloop cruising in the vicinity of Puttalam seized the vessels and confiscated the goods. The whole episode shows the close tie between Muslim private traders and the chiefs. It seems as if the chiefs of Puttalam were in the habit of chartering private vessels to transport their goods and to make purchases in India on their behalf. This explains their intense anxiety to bring about the opening of the ports and henceforth their influence in court was increasingly being exerted in this direction.

It was obvious that the court was becoming more agitated with this problem and frontier disputes with the Dutch began to reappear. Some concessions had to be given and there is now seen a change in Dutch policy. In 1696 the Supreme Government at Batavia decided not only that the trade of the King's ports should be open to all; they went further and decided that the Company's fortifications of Trincomalee, Batticaloa and Kalpitiya should be demolished and these places abandoned for the King's occupation.² The first part of this resolution was given effect to immediately. The results were most gratifying. Both at Puttalam and at Kalpitiya there was noted an immediate increase in commercial activity and traffic. The decision to abandon these places completely to the Kandyans was, however, not effected. It came up against strong opposition from the Directors in Holland.³ They now looked at the problem, not from the standpoint of economic advantages that the continued occupation of these places would bring, but rather from the broader view of the Company's strategic interests in the East. This latter factor now becomes increasingly important in the formulation of policy. If these ports were occupied by the King and if he chose then to admit any foreign nations, it would complicate matters for the Dutch. Even when the Dutch occupied the ports, it was admitted that their rights in relation to other European powers were rather shakily founded. How much more would this have been the case when there was no physical occupation. In any case, with actual occupation, they were in a far better position to keep out the

1. Minutes of Political Council, 17 February 1690, Dutch Records (Nuwara Eliya) 31, fos 50, 52.

2. Governor General and Council to Directors, 30 November 1697, Kol. Arch. 1475 fos 196, 205.

3. Directors to Governor General and Council, 23 June 1700, Kol. Arch. 462.

foreigner¹ Consequently, on instructions from the Directors, the Supreme Government rescinded its earlier order and instructed Ceylon to continue to keep the ports in the Company's possession.

The trade, however, continued to be free from 1696. A large number of vessels sailed into the King's ports, both on the East and on the West, from Bengal, Coromandel and Madura with all kinds of goods the island needed. The amount of arecanuts they took away showed a great increase and pedlars started operating again, going into the remotest Kandyan villages to collect these nuts. Cloth which had so far been denied to the Kandyans now poured in from all parts of India. It appeared as if the trading activity of pre-monopoly days was resumed.² The court decided to take full advantage of the situation. They closed all the passes to the low country, keeping open only those that led to Puttalam, Kottiyar and Batticaloa in order that all the goods coming out of and going into the Kandyan Kingdom may do so through these three 'country' ports. The subjects of the King were forbidden from going to trade in any place other than these King's ports³ This effected the trade of ports held by the Dutch. They found it difficult to procure sufficient supplies of arecanut to keep their Indian trade going. All the arecanuts were now being sold direct to private traders in the King's ports. Further, there was such an abundance of cloth in the country that the cloth brought in by the Dutch and vended from their own warehouses remained unsold⁴ The success of free trade and the revitalising of the King's ports spelt the decline and ruin of Dutch trade in Ceylon.

The Dutch Government in Ceylon now began to clamour for a reimposition of controls. They suggested that the King's ports ought to be closed as formerly, or at least, that the trade there should be regulated by the refusal of passes to Indian traders to proceed to these ports. The Supreme Government at Batavia was not in agreement with this proposal as it would again lead to a worsening of relations with the King as in the years before 1696. Once again it was the Directors who stepped in with a drastic policy. They upheld the view of the Ceylon officials and instructed that these ports be closed again. No passes were to be granted to Indian traders to proceed to

1. Directors to Governor General and Council, 19 September 1698, 30 October 1699, 23 June 1700, Kol. Arch. 462.
2. Governor General and Council to Directors, 30 November 1697, Kol. Arch. 1475, fos 196-7.
3. Governor General and Council to Governor and Council of Ceylon, 4 November 1701, Kol. Arch. 839 fo 1125.
4. *Ibid* fo 1126.

these ports. They could go only to the Company's ports such as Colombo, Galle and Jaffna, and transact business there.¹ As a few years earlier, it was again strategic considerations that governed this decision. The war of the Spanish Succession had broken out in Europe in 1702 where France and Holland were on opposite sides. To leave some of the ports of Ceylon open to foreign vessels seemed to the Directors to wilfully open the door to dangerous contact between the King and other European powers. It was rumoured in Europe that France would make yet another attempt on Ceylon and the Dutch could not, under the circumstances, be too careful. The wishes of the Directors prevailed against the considered opinion of the authorities at Batavia and in June 1703 it was decided to close the King's ports to all foreign traders. To soften the blow, the King was to be allowed to send out a vessel of his own to procure goods for himself from the Indian coast. Sloops were to cruise off Kalpitiya, Trincomalee and Batticaloa to give effect to these orders.²

The orders effectively put the King's ports out of commission. Instructions were sent out to officials in Dutch comptoirs along the Indian coast that passes to Indian vessels intending to come to Ceylon were to be issued only to the ports of Colombo, Galle and Jaffna. They could not touch on any other port. The Kandyan reaction to this was one of hostility. A blockade was imposed on the passage of all goods from the highlands and no arecanut was brought from there to be supplied to the Dutch in spite of an increase in price offered as an incentive.³ There were unmistakable signs of annoyance in the Court and the Batavian Government suggested a palliative to appease the King. They proposed that private vessels from India be permitted to call at Kalpitiya, Puttalam, Trincomalee, Kottiyar and Batticaloa, provided that those going to Kalpitiya and Puttalam would first call at Colombo and the others at Jaffna to have their passes examined and their cargoes checked for contraband. After paying the usual tolls, they should be permitted to negotiate their goods freely with the inhabitants.⁴ In this manner, the King's ports would function for the 'country' trade but would be denied to European vessels and the export of contraband such as cinnamon could effectively be checked. It had also the merit of regulating the volume of private trade without stifling it altogether. It had been amply demon-

1. Directors to Governor General and Council, 18 September 1702, Kol. Arch. 462.
2. Resolutions of Governor General and Council 1703, Kol. Arch. 618, pp 302—3.
3. Governor General and Council to Directors, 30 November 1704, Kol. Arch. 1573 fo 170.
4. Resolutions of Governor General and Council, 20 October 1704, Kol. Arch. 619, pp. 491—3.

trated that the stoppage of private supply of cloth to furnish the needs of the Kandyan market did not automatically make them turn to Dutch sources for supply. If the Dutch could not benefit from a monopoly of the cloth trade, then there was no purpose in going to all this trouble and the resultant unpleasantness in imposing a monopoly. It would also result in the increasing economic isolation and consequent impoverishment of the community. This process of reasoning seemed logical enough but it did not impress the Directors. They administered a sharp rebuke to the Government at Batavia and ordered them to conduct themselves according to the letter of their previous instructions on the matter¹. Thus by 1708 both the arecanut and the cloth trade was taken into Dutch hands and the King's ports again lost their business. External considerations, over which the Kandyan Kingdom had no control, had brought about its commercial dependence on a superior maritime power.

Certain events that occurred at this time tended to accentuate this dependence of the Kandyan Kingdom on the Dutch in matters of external relations and made impossible a struggle in the old style to assert its independence. The first concerned the re-establishment of contact with Buddhism in South East Asia, a matter which was very close to the heart of the King and his court. In the earlier times, such contacts could have been, and were, established through traders who called at Ceylon. Now this was impossible and the Dutch were the only medium for contact with the outer world. Requests in this direction to the Dutch had borne fruit and in 1697 they provided passage in one of their ships for a party of 33 Burmese Bhikkhus who had come to Kandy to re-establish the *Upasampada*.² Again in February 1704, a request was made by the chiefs in a letter to Governor Simons to find out on the King's behalf whether the Buddhist religion was still being practised in Arakkan, Pegu, Tennasserim and Siam, and whether there were still priests in these lands³. The Dutch were able to get this information from Arakkan which they passed over to the King.⁴ The death of the King in 1707 interrupted the following up of this initial contact to produce any concrete results.

The other event that occurred at this time is in some respects of even greater importance. It concerned the cultivation of marriage relations bet-

1. Directors to Governor General and Council, 21 June 1707, Kol. Arch. 462.
2. Governor General and Council to Directors, 30 November 1697, Kol. Arch. 1475, fos. 210—2.
3. Court Chiefs to Governor Simons, February 1704, Dutch Records (Nuwara Eliya) 3259.
4. Governor General and Council to Directors, 30 November 1706, Kol. Arch. 1608 fo 269.

ween the Kandyan royal family and the royal family and the royal house of Madura. There had already been steady and continuous contact between Ceylon and this part of India from the earliest period of Ceylon history. The practice of bringing royal brides for Sinhalese kings from across the straits had been quite customary. In the early years of the 18th century, when efforts were made to look for a bride for the Prince from the royal house of Madura, the difficulties that attended such efforts underlined the helplessness and isolation of the Kandyan Kingdom. A letter of the chiefs to the Dutch Governor written in 1705 complained that while in the times of Raja Sinha ambassadors were exchanged frequently with the Kingdom of Madura, there had been no such exchange since his reign. It requested that passage be granted to two ambassadors who were to be sent on the orders of the King to the Indian Coast.¹ The purpose of this embassy was to look for a bride for the Prince and heir to the throne from among the royal families of South India. Though this attempt was not a success, the Court acknowledged the facilities afforded and the honour done to this embassy and thanked the Governor.² After the succession of King Narendra Sinha in 1707, the effort to look for a royal consort in South India was resumed. These efforts culminated in the arrival in Ceylon in January 1710 of a Nayakka Princess with her family and retinue. Active Dutch assistance was given at every stage of the journey and until the royal party was given over to Kandyan charge at the frontier, they were protected by and in full charge of the Dutch.³ The King was deeply grateful to them for all these favours and granted several concessions soon after.⁴

The dependence on the Dutch for the cultivation of these necessary external contacts, implicit in the incidents related above, affected subsequent Kandyan policy. There could henceforth be no frontal assaults on the Dutch or open hostility against them. Whatever was to be gained could be gained only by indirect pressure extended at suitable moments. Dutch policy towards the Kandyan Kingdom too had arrived at a degree of finality and definiteness it did not have before. The position as it existed in 1707 was to continue for a long time. The fact that this was the result of a directive from the Home Government meant that it could not be revised or in any way

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1. Court Chiefs to Governor Simons, 1705, Dutch Records (Nuwara Eliya) 3259.
 2. Court Chiefs to Governor Simons, 1706, Dutch Records (Nuwara Eliya) 3259.
 3. Governor and Council of Ceylon to Governor General and Council, 14 February 1710, Kol. Arch. 1678 fos. 117—120.
 4. Governor and Council of Ceylon to Governor General and Council, 15 November 1710, Kol. Arch. 1678 fos. 302—5.

tampered with by the authorities either at Batavia or in Colombo.¹ And this meant that policy in Ceylon, at least in this matter, could not be susceptible to Kandyan pressure.

Yet another factor in the situation is the decline in absolute control exercised over matters of policy by the King himself. After Raja Sinha, Government was not centralised in the person of the monarch to the same degree as before. His successor Vimala Dharma Suriya II had neither the ability nor the inclination to preoccupy himself with diplomacy and statecraft. Vira Narendra Sinha, the next King was dogged with ill-health for a great part of his reign and could not give the lead in conducting a forceful foreign policy. The chiefs emerged as a powerful group. Much of the opposition to the Dutch in the later period was put up by them. Not all the chiefs, though, were equally interested in trade. No doubt those who were interested were able to exert their influence at court and give a particular direction to official policy. But this was not consistently done and later on other problems stood in the way of a forthright assertion of independence. What is more, the Dutch themselves discovered that this was the weakness of the Kandyan administration and exploited it to the full. Their fear of Kandyan power and Kandyan hostility was not half as great in the 18th century as it had been in the 17th.

The period 1658 to 1710 witnesses a steady decline in the position of Kandy as a sovereign Kingdom. In 1658 it had faced the Dutch power on terms, more or less, of equality. Yet indications for the future were that developments would be in the direction of a reduction of the power of the Kingdom. On the one hand, this was inherent in the guarantee given by the King in the treaty of 1638 that he would not have dealings with any other European power. On the other, and in a way more important than the former, was the monopolistic character of Dutch policy. Politically and commercially, Dutch policy was to make the Kandyan Kingdom dependent on the Dutch, and not to retain an independent personality of its own. This was resisted very vigorously by the Kingdom under Raja Sinha. But all the success that he achieved was in securing the internal territorial independence of the state. As regards its rights to foreign contact and free commerce, it was a losing battle. The attempts to pursue a foreign policy independent of the Dutch and in the true interests of the state are a sorry tale of failure, most of them nipped prematurely in the bud, the only one

1. Minutes of Political Council, 20 January 1712, Dutch Records (Nuwara Eliya) 46.

that had any effect ending in a fiasco in 1672. This made it clear that the Kandyan Kingdom could have only that amount of foreign contact which the Dutch Government deemed it in its interests to permit. The Governor virtually became the person who forwards and therefore regulates messages from the King to the outer world. By 1707 all the produce of the Kingdom had to be sold to the Dutch and all its needs procured from them. Loss of political independence brought commercial dependence in its train. Thus begins the real economic isolation of Kandy.

THE HARBOUR AND PORT OF COLOMBO: A GEOGRAPHICAL APPRAISAL OF ITS HISTORICAL AND FUNCTIONAL ASPECTS.

B. L. PANDITHARATNA

Colombo was a port before it became the capital of Ceylon. The capital made the townscape. The political, financial, and economic power accruing to the capital city has been the chief stimulus to the port. Its early history, colonial connections, export-import trade, the island-wide hinterland, and the elaborate route system connecting it with the rest of the island, all contributed to make Colombo the port of the island.

I. Historical Background.

Ceylon, by virtue of its midway position in the Indian Ocean, has been throughout her history a meeting place of foreign merchants and travellers. The Port of Mantai (Mannar) situated along the north-west coast was one of the trading marts of Ceylon. About 500 A.D., there was a shifting of the focus of trade from the Malabar coast southwards to Mantai. The prominence of the Port of Mantai and generally the 'havens' along the western coast of Ceylon was the result of the final development in the use of the monsoons, which enabled ships to sail direct from the Red Sea¹. About 700 A.D., 'Kolamba' or 'Kolontota' became a Muslim trading settlement, one of the first six settlements on the west coast of Ceylon.² The probable nucleus of this settlement may have been at the mouth of Kolom Ganga, a distributory of the Kelani Ganga. On examining the past hydrography and drainage, there is evidence to believe that the Kolon Ganga entered the sea in the Pettah bay. However, it is extremely difficult to locate accurately the site of the original nucleus, because tropical weathering or destruction by warfare have removed everything leaving no remnants which may give a clue to its original site. The Muslims had built warehouses (bangasalas) and carried on trade in cinnamon and elephants; for, every year, many ships called from various parts to take cinnamon and elephants. They had brought to 'Kolamba' gold and silver, cotton, and silkstuffs from Cambay. "This trade attracted a concourse of merchants and the port was both rich

1. E. H. Warmington, *The Commerce between the Roman Empire and India*, Cambridge, 1928, p. 123.

2. A. Johnston, *Royal Asiatic Society* No. 1, p. 537.

and populous." The settlement of 'Kolamba' developed in its size and functions, for, about 1330 A.D., it was "one of the finest and largest cities of the island of Serendib, the residence of Wazir, Lord of the Sea."¹

The monsoons carried the Portuguese to the shores of Ceylon in 1505 A.D., and they set up a garrisoned factory close to the Muslim settlement, to the west of it. The choice of this site (Kolamba) by the Portuguese owed more to considerations of local strategy than to its strategic location in the Indian Ocean. The natural harbour at Galle could have offered them certainly a better site for a port than at 'Kolamba.' Besides, Galle had an advantageous and better situation than 'Kolamba' in the Indian Ocean. But the location of 'Kolamba' in a shallow and favourable bay, affording shelter to the Portuguese 'patschos,'² close to Kotte, the capital city and the seat of the Sinhalese king, was favourable. By establishing themselves at 'Kolamba' it was easier for the Portuguese to come into contact with the Sinhalese king and maintain friendly relations for trade. 'Kolamba' was the centre of the cinnamon trade, and serving a hinterland which produced the best cinnamon of the island. Thus, besides its local position close to Kotte, it enjoyed also an advantageous commercial position. The Portuguese were the enemies of the Muslims in trade and religion. By selecting a site near the established Muslim settlement, they could destroy both the Muslims and their trade, and finally control the trade of the port and shipping along the western seaboard of Ceylon.

The Portuguese Port of Colombo (1505—1658) was a natural haven fronting the bay sheltered by the Fort headland. This haven was linked to the lake to the south by a navigable canal. The haven offered shelter to the 'patschos' during the North-East monsoon season, but was exposed to the fury of the South-West monsoons, so that the lake became an inner-harbour affording safe anchorage during this season. The port was primarily for defence so that it was insulated from the mainland and walled on the land side with a dozen bastions strung out along its walls. A few store-houses for cinnamon, however, emphasized its commercial role.

The Port of Colombo changed very little in its form, although its functions increased during the Dutch Period (1658—1795). Cinnamon was one of the most important articles of foreign trade and the Port of Colombo was one of the centres for storing, packing and shipping of cinnamon to

1. Ibn Batuta, *Travels in Asia and Africa*, Translated by H. A. R. Gibb, London, 1936, p. 234—260.

2. 'patschos':—Portuguese sailing boats.

Europe and India. Colombo shared well also in the foreign trade with Madura and Corammandel Coast. This trade was mainly concerning food supplies and clothing (cachoi),¹ owing to the poor development of these resources in the Colombo hinterland. The Dutch imported large quantities of rice and cachoi to be sold in Colombo. Here the people met to barter their arecanuts for rice and clothing. Along with the rice—cloth—arecanut trade, the trade in elephants also grew, as it was possible to export the elephants as a return cargo in the Indian ships to Bengal. In the port to port trade (coastwise), Colombo provided the other ports mainly with goods imported from foreign ports. In this respect, the Port of Colombo was gradually establishing itself as the chief port and the trading centre for the distribution of foreign commodities.

The Dutch agricultural, settlement and road policies improved and developed considerably Colombo's hinterland. A system of arterial and inter connecting roads radiating from Colombo, together with a navigable river-canal system improved accessibility to and from the port the Colombo lake, well known today as the Beira, (after the Dutch engineer De Beer) was improved for navigation and made into an inland harbour for barges and small vessels. Besides, the lake attracted towards its waterfront industries connected with the port, such as boat building and repair, rope and coir making and dyeing. The Dutch, thus developed the port's hinterland and its trade, commerce and industries, but failed to provide adequate facilities for shipping. They neglected the harbour and it was in the same unsafe condition, fully exposed to the vagaries of waves, drifts, swells, and currents. This was obviously due to the increasing political rivalry of the western naval powers in the Indian region in the 18th century, for the Dutch were not too sure of retaining Colombo.

A period of peace and economic stability under the British, except for the depression of 1844—1849 brought progress and prosperity in the Colombo hinterland and increased the coffee exports through the Port of Colombo. Colombo was linked with the coffee areas and the new plantation settlements by roads, railway and postal services. Colombo became the hub of the island's route plexus and the chief 'service centre' for the coffee areas.

The trade of the Port of Colombo increased as its hinterland provided both goods for export and also a market for consumer goods. By 1870, coffee exports reached 885,728 cwts; and rice imports 4,735,832 cwts;

1. 'cachoi':— a kind of coarse cloth used by the villagers and could be sold in large quantities.

consequently the revenue of Ceylon increased from £371,994 in 1837 to £1,091,606 in 1870.¹ However, the harbour, the only gateway of the hinterland, was badly neglected, port improvements did not keep pace with the economic growth of its hinterland. Imperial shipping continued to call at the natural but unsafe Port of Galle in its navigation to Australia and the Far East. Colombo till 1870, remained "nothing more than an open road affording safe anchorage to ships for only four months of the year".² The observations of A. M. Ferguson in 1837 "how depressing was the site of Colombo roadstead with only one or two Messrs. Tindall's barques of 400 to 500 tons representing the tonnage for imports from and exports to Europe. Wharves silent and almost lifeless and a general appearance of do-nothingness about the place,"³ and of C. Pridham "... the harbour which is in the form of a semicircle is only capable of receiving small vessels, and the road where the large ships cast anchor at upwards of a mile from the shore, is exposed to the south west monsoon"⁴ reveal the neglected character of the port. Despite some of these limitations and meagre port facilities, the numbers of vessels calling at the port increased. The tonnage increased from 207,021 in 1840 to 1,423,945 in 1870. As the trade of Colombo increased, so did the confidence of the English free trading mariners in the safety, of shipping and commerce of the port.⁵

The trade of the port changed the Colombo functional environment. The coffee trade established about 30 commercial firms at Colombo and many mills, storehouses, and these were the functional links between the port and its productive hinterland. When tea replaced coffee (about 1860—1870) it was necessary to establish tea firms as close as possible to the exporting outlet. Similarly many other firms for export products such as cocoa, cardamons, and coconut products were also established. Thus the functional complex of the townscape changed because of the great functional pull exercised by the Port of Colombo especially in the localisation of industries based on agricultural raw materials for export. The port, being the biggest importing centre also attracted towards it many industrial, commercial and business establishments connected with the imported bulky foodstuffs, textiles and manufactured goods.

1. Sources *Colonial Office* 59 Series.

2. R. Percival, *An Account of the Island of Ceylon*, London, 1805, p. 129.

3. A. M. Ferguson, *Old and New Colombo*, Colombo, 1903.

4. C. Pridham, *An Historical, Political, and Statistical Account of Ceylon and its Dependencies*, London, 1849, Vol. - II, p. 627—633.

5. *Recollections Personal and Official of James Stuart 1817—1866*, Edited by T. Villiers, 1935, p. 41.

II. Physical Factors

Local Physical conditions determine the actual position and layout of the port. They determine too by what means and regime the port functions. They do not, ofcourse influence the character of the traffic.

The natural and shallow bay (Kol-amba opposite of Dia-amba¹) extending northwards was formed by the curvature of the coastline from Fort's head to Mutuwal Point, affording anchorage to the shipping of the Muslims, the Portuguese, the Dutch and the British. This bay however was open to the swells, waves, currents and drifts during the South—West and even the North—East monsoons. The safety of the anchorage depended very much on the construction of the breakwaters. This bay had the advantage of a rocky headland (Custom's House Point), from the tip of which a South—West breakwater can be projected.

The coastal features of Colombo and its environs have influenced considerably the early phase of the port's shipping, especially when coming into or going out of the harbour. A detailed study of Fig 1 shows that the 10 fathom line follow closely the general trend of the coastline. Near Colombo, the submarine plateau shows the features of a series of banks and general shoaling in the Mount Lavinia — Colombo area.² The sudden alteration in depth from 10 fathoms to 30 fathoms off the coast of Colombo has the effect of forming a swell and breaking waves in the shallows. The shoaling of the plateau and the presence of the banks which lie exactly in the line of the south west swell on its path towards Colombo make an extremely well marked difference in the amount of the swell which is higher and constant in this locality than elsewhere. This was a definite disadvantage to early shipping, and skilful and careful pilotage was essential when entering or leaving the bay.

There is a probable northward current along the bottom in the western plateau and this has been responsible for the formation of sandy peninsulas and spits trending northwards along the Colombo coastline. This phenomenon together with the heavy silting at the mouth of the Kelani Ganga due to the nature of its course have made a riverine site physically unsuitable for a harbour. The present harbour site is to the south of the

1. J. de Lanerolle, *Journal of the Royal Asiatic Society (Ceylon Branch)* Vol. XXXI, 1930, p. 513.
2. B. T. Somerville, "The submerged plateau surrounding Ceylon: Some considerations regarding the formation of the coast" *Spolia Zeylonica*, Vol. V, Part VIII, 190, p. 69—79.

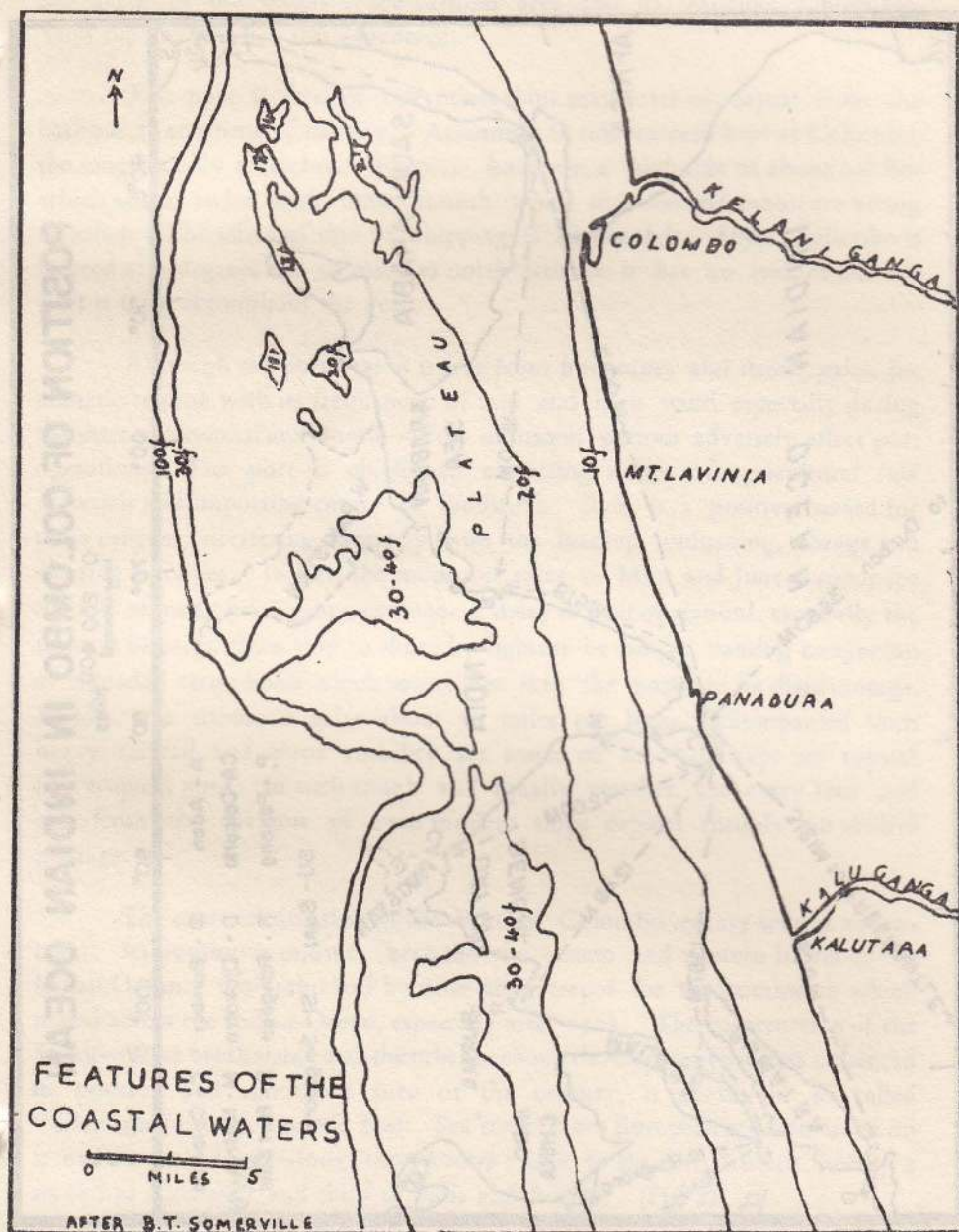


Figure 1

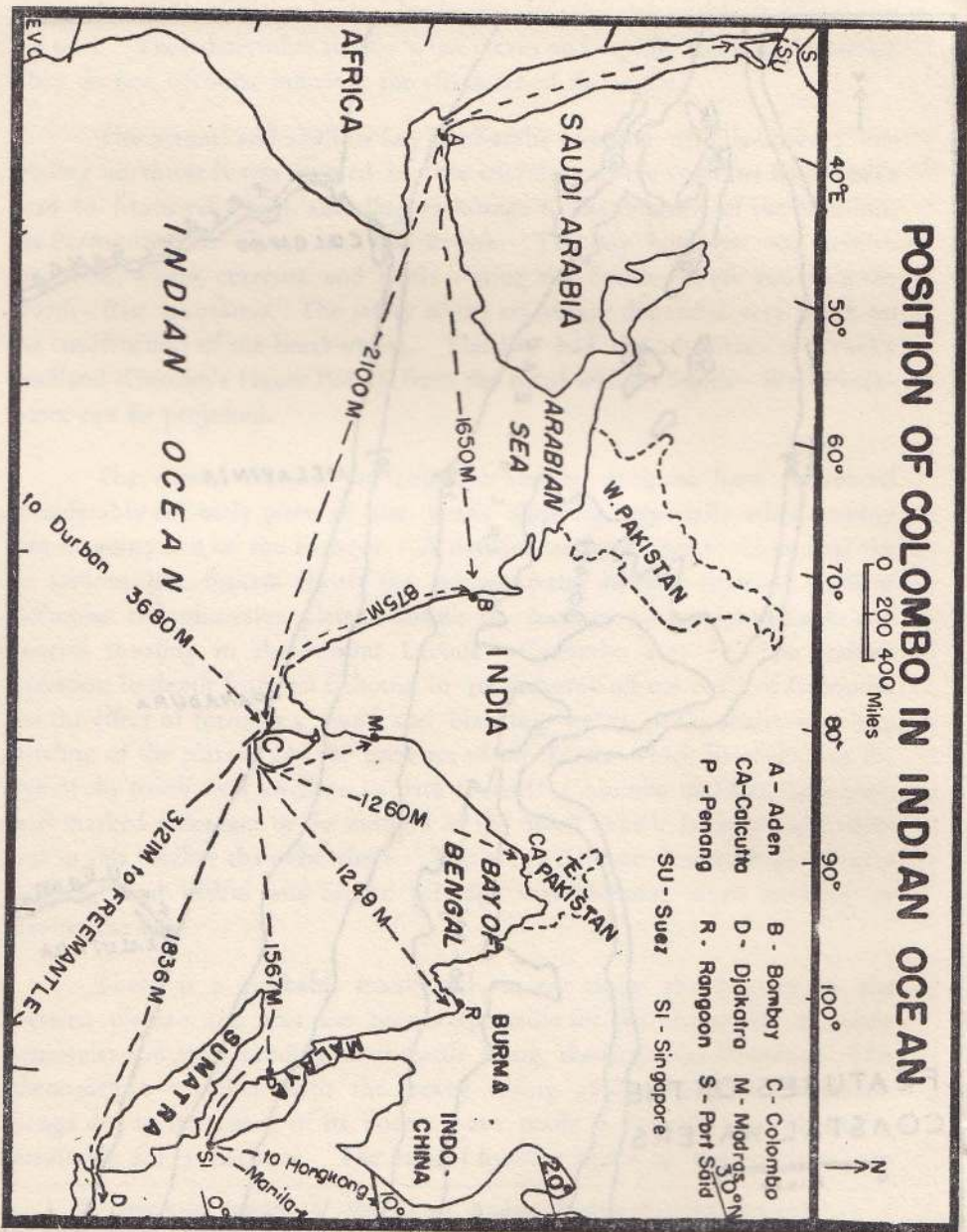


Figure 2

Kelani Ganga, so that silting (a northward movement) is unlikely to diminish the depth of the waters of the harbour area and its maritime approaches. Thus the bay-site had this advantage.

The port is free of tides, thus ships may enter or depart from the harbour at any time of the day. According to tidal records kept at Colombo, the range is only 11 inches. There is however, a high tide of about 2.6 feet which occurs twice each lunar month when the sun and moon are acting together. The effect of this on shipping is hardly felt. Since Colombo is located at 6 degrees and 57 minutes north latitude it has no seasons and the port is open throughout the year.

Although the port region is free from hurricanes and strong gales, the climatic regime with its frequencies of rain and high wind especially during the inter-monsoonal and South—West monsoon periods adversely affect port operations. The port is chiefly an exporting outlet of agricultural raw materials and importing centre of foodstuffs. Rain is a positive hazard for these cargoes, interfering adversely with the loading, unloading, storage and clearing activities. In fact, the monsoon rains in May and June account for the loss of many man-hours, consequent delay in port operations, especially the transfer of cargo from ship to shore by lighters or barges, causing congestion of unloaded cargo liners which sometimes skip the port, to its disadvantage. Besides, the monsoon gales about 38 miles per hour, accompanied with heavy rainfall and poor visibility are some of the handicaps so typical of a tropical port. In such rough and squally weather, the entry into and exit from the harbour of even modern ships depend entirely on skillful pilotage.

The external situation of the Port of Colombo enjoys several advantages. Its position is midway between the eastern and western halves of the Indian Ocean. Colombo had become an entrepot for the commerce which passed across the Indian Ocean, especially after 1505. The construction of the South—West breakwater and the other harbour development projects enhanced its position and about the turn of the century, it became the so called "Clapham Junction" of the East. Sea traffic from European ports focussed on it and branched off along three routes; one to the Far Eastern ports; a second to Australia; and third to India and Burma. (Fig. 2)

Its geopolitical and geostrategic values in the Indian Ocean were shown concretely during the course of World War II. Colombo and Trincomalee were strategic bases for South and South East Asia, stations so vital to the

defence of the Commonwealth of the Eastern hemisphere and for the policing of the sea routes from Europe to the Far East and Australia ¹ The fact that there were very few suitable and developed harbours along the Coromandel and Malabar Coast of South India has made the Port of Colombo, the port of the South Indian region as well. ² However, the modern development of Cochin Harbour and the proposed development of Tuticorin would seriously threaten this positional advantage. Oceanic traffic between East and West Pakistan has necessarily to pass through the Port of Colombo as it occupies an unavoidable midway position between these two separated areas. A project which may materialize in the future to deepen the channel, the Palk Straits, between India and Ceylon to make it navigable for oceanic steamers may perhaps result in ships by-passing Colombo, which would then reduce some of the advantages of its position.

III. Development of the Port (1870—1957)

Port development emphasizes primarily Colombo's intrinsic geographical position in the Indian Ocean and in the island; secondly, the progress and prosperity of the island's trade and commerce which contribute to the total trade of the port.

The Port of Colombo ³ was only an open roadstead up to 1870. Galle situated 72 miles to the south of Colombo was the port of Ceylon, in spite of the tricky and dangerous entry into its natural harbour. The coffee plantations (1835—1860) and the transport system of the coffee areas made Colombo the natural outlet for coffee. Besides, transport between the coffee areas and Galle was lacking owing to the 'ridge and valley' topography of Galle's hinterland. It was also far too distant from Kandy, the main coffee collecting centre. The Planters Association and the Chamber of Commerce therefore made a strong claim for the construction of the Colombo Harbour. However, the Colonial Office was in favour of Galle ⁴ The 'wild scheme' of Colombo ⁵ was discredited on the grounds that Galle had

1. W. C. Tunstall, *The Commonwealth and Regional Defence* Commonwealth Papers, No. 6, University of London, 1959, p. 54.

2. This is specially true in the function of transshipments.

3. In the modern context "a port is a place equipped to facilitate the necessary relations between ships, as agencies of sea transport, and the land, whereas the harbour is the sheltered area against winds, waves and swells." F W. Morgan, *Ports and Harbours*, London, Second Edition (revised), 1958, p. 13.

4. *Colonial Office Papers*, C. O. 55, 112, Nov. 1866.

5. *Ceylon Sessional Paper* — XIII — 1898.

a natural harbour which was on the direct track of steamers passing Ceylon from West to East around the Cape,¹ and that the cost of an artificial harbour at Colombo would be prohibitive.

The opening up of the Suez Canal in 1869 completely revolutionised eastern shipping and brought new ports into prominence, and thus the need for a safe and commodious port for Ceylon was in the fore. The choice between Colombo and Galle was inevitable and port construction urgent to cater for the sea traffic which had increased throughout the 19th century owing to Imperial commitments both in the Far East and Australia.²

Galle Harbour had many sunken rocks which endangered entry and inadequate accommodation for ships led to casualties.³ It was more exposed than Colombo to the full blast of the South West monsoons. The government feared that shipping companies would make Trincomalee their port of call. Already mail steamers called at Galle instead of Colombo; if the steamers called at Trincomalee then the inconvenience would have become very much greater. A commission which studied the problem decided in favour of Colombo. Two proposals for the development of Colombo as the port of the island were forwarded. One, the 'dock type,' which considered the development of the lake as an internal harbour. Mr. Franklin's design⁴ was to convert the Galle Face cemetery and the barracks into a dock for ships having an entrance from the sea through the Galle Face Road, about the position of Galle Face Spill with two long protecting piers running out westward into deep water.⁵ The second, the scheme of Captain Donnan, was for the construction of a breakwater as a protection against the South West monsoon, thereby providing an outer harbour.

In 1871, the Legislative Council approved the breakwater scheme.⁶ The work begun in 1874 was completed in 1884. It was 50 feet wide for 1,350 feet and 40 feet wide for the remaining 2,882 feet, stood 9 feet above the

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1. It was pointed out that the actual distance from Aden to Colombo was shorter to Galle by 35 miles and that the route from Bombay to China would take only 18 miles off the direct route.
 2. F. W. Morgan, *op. cit.*, p. 161.
 3. The wreckage of the P. & O. Malabar was a case in point.
 4. *Ceylon Sessional Paper* — XIII, 1898.
 5. A. B. Prouse, "The History of Colombo Harbour from its inception to 1924" *Transactions of the Engineering Association of Ceylon*, 1931
 6. Governor Gregory after consulting Mr. Townsend, the Superintendent of Plymouth Breakwater, accepted the breakwater scheme for Colombo.

level of the breaking waves. The protection afforded attracted many more vessels and suggested that Colombo would ultimately become the most important coaling port in the Indian Ocean.¹ Reclamation along the harbour foreshore² (Fig. 3) for coal jetties was carried out. The proposal to make Colombo 'a close harbour'³ was found to be unsuitable for a tideless port, and also due to the physical character of the west coast.⁴

The prosperity of the agricultural export economy based on tea, rubber and coconuts after 1880 naturally led to increasing shipping. It was necessary to accommodate more ships and therefore a greater measure of protection was needed. The other two breakwaters, the North East, and the North West were completed in 1898 and the 'Island breakwater' completed by 1900, gave the harbour a sheltered area of about 643 acres, from both the South West and North East monsoons. (Fig. 4) To cite Governor West Ridgeway "Colombo Harbour is one of the greatest . . . one of most productive in the colony's interests. Colombo may be said to possess one of the finest, artificial harbours in the world."⁵

After 1900, the harbour was equipped with the patent slip,⁶ which facilitated the cleaning and repairing of ships, steamers and overhauling of small crafts. This was also a valuable floating plant for the harbour works. The coaling jetties and depots⁷ made easy coal discharge and coal bunkering trade of the port. The graving dock⁸ concentrated in the port the important industry of ship repair and fitting, as Colombo was the only port between Malta and Hongkong and Malta and Australia with such equipment. The guide piers enabled the discharge of heavy cargoes and oil. The fishing harbour,⁹ outside the harbour area to the north of Mutuwal Point afforded shelter and beaching ground for local fishing. The granaries¹⁰ which were rat-proof buildings having favourable canal frontage and access to the harbour

1. *Twentieth Century Impressions of Ceylon*, Edited by Arnold Wright, London, 1907, p. 369.
2. *Ceylon Sessional Paper*—XIX, 1902. Reclaimed areas were about 32 acres in the south east bight of the bay front of the Pettah, and 24 acres in about the site of the coaling jetties.
3. *Ceylon Sessional Paper*—XVI, 1879.
4. *Ceylon Sessional Paper*—XXI, 1879.
5. *Review of Administrative Affairs of Ceylon*, (1896—1903)
6. *Ceylon Sessional Paper*—IX, 1898.
7. *Ceylon Sessional Paper*—LVII, 1908.
8. *Ceylon Sessional Paper*—XVI, 1902.
9. *Ceylon Sessional Paper*—XXV, 1902.
10. *Ceylon Sessional Paper*—LVII, 1914.

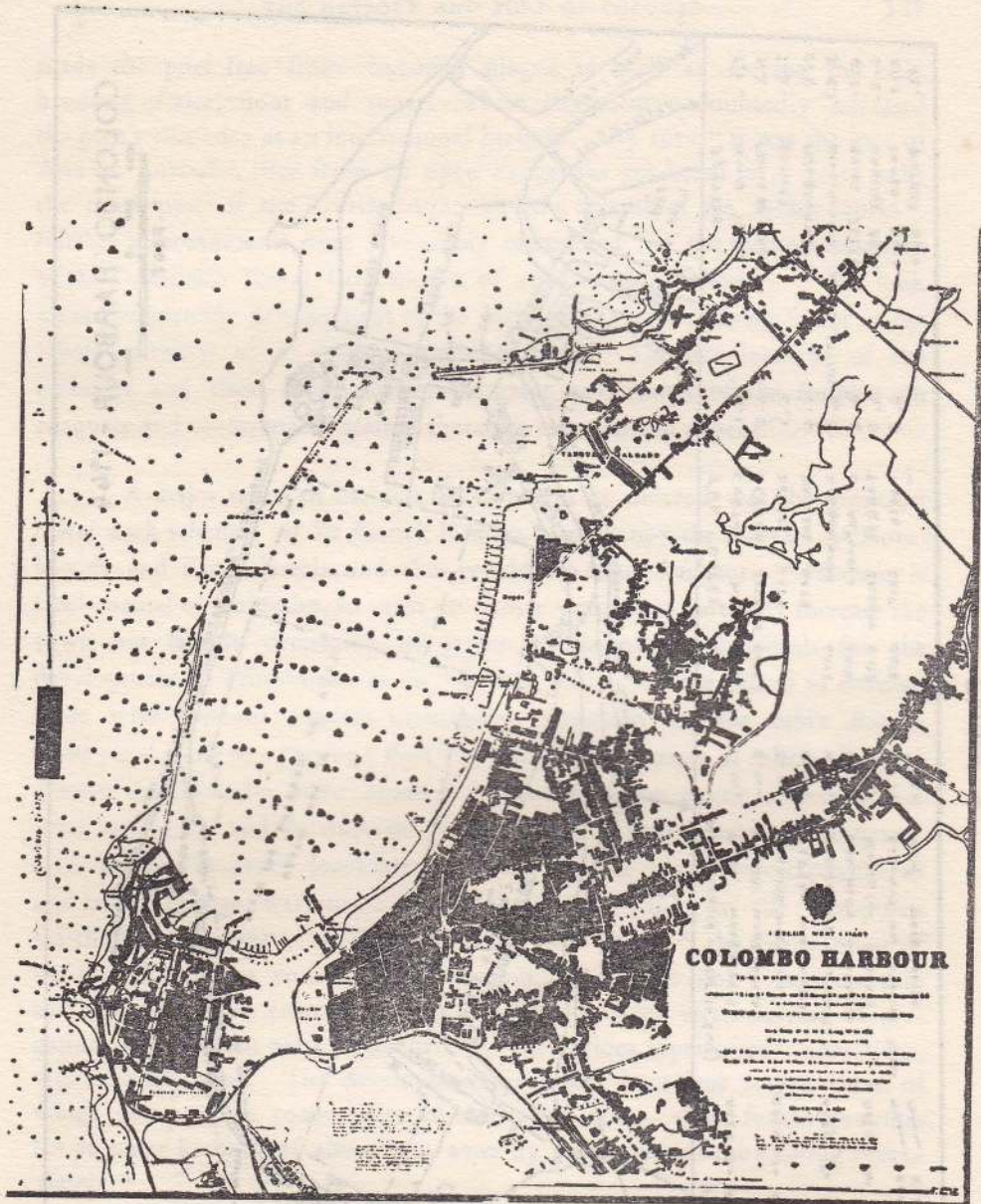
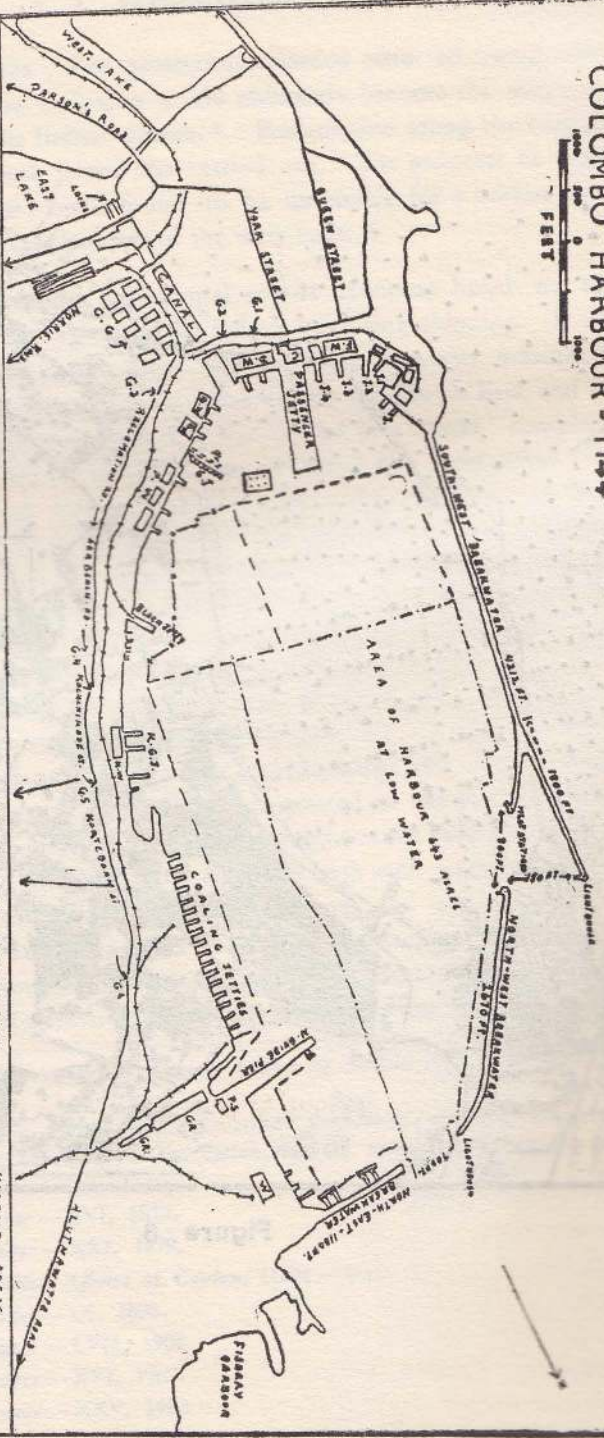
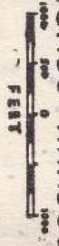


Figure 3

COLOMBO HARBOUR - 1944



JETTIES	THE GATES	WAREHOUSES (WEST to EAST)	HARBOUR AREAS
J. 1 KINGS JETTY	G. 1 CUSTOM'S MAIN GATE	F. W. FORT WARE HOUSES	A. 1 to A. 8 AREAS TO BE DESIGNATED TO BE 26 FEET IN SHOW / EXISTED
J. 2 PRINCE OF WALES	G. 2 LEYDON BASTION GATE	D. W. DELFT WARE HOUSES	A. 9 to A. 14 AREAS TO BE DESIGNATED TO BE 22 FEET IN SHOW / EXISTED
J. 3 SYDNEY	G. 3 DELFT GATE	B. W. BACHAN WARE HOUSES	AREA TO BE DESIGNATED TO BE 20 FEET IN SHOW / EXISTED
J. 4 MELBOURNE	G. 4 BAUGHAN GATE	P. W. PETTAN WARE HOUSES	AREA TO BE DESIGNATED TO BE 20 FEET IN SHOW / EXISTED
K. G. 1 KORAMUNABE GRAIN JETTIES	G. 5 KORAMUNABE GATE	K. W. KORAMUNABE WARE HOUSES	AREA TO BE DESIGNATED TO BE 20 FEET IN SHOW / EXISTED
G. J. 1 GUIDE JETTY	G. 6 ST. ANTHONY'S GATE	C. G. CHALMERS GRANARIES	AREA TO BE DESIGNATED TO BE 20 FEET IN SHOW / EXISTED
G. B. GRAVING DOCK	G. 7 TANQUE SALCADO GATE	H. W. HAMILTON WARE HOUSES	AREA TO BE DESIGNATED TO BE 20 FEET IN SHOW / EXISTED
CR. 1 INNER DOCK	G. 8 HOATH GATE	S. T. ST. ANTHONY'S STORAGE TANKS	AREA TO BE DESIGNATED TO BE 20 FEET IN SHOW / EXISTED
PL. PATENT SLIP		W. WAREHOUSE	AREA TO BE DESIGNATED TO BE 20 FEET IN SHOW / EXISTED

Figure 4

made the port free from bubonic plague as well as serving the bulk handling of rice, flour and sugar. These structures undoubtedly increased the port's efficiency as an international harbour. By 1912 "it was the gate of Asia for Australia, risen from an open dangerous roadstead in 37 years to be the third port of the British Empire and the seventh of the whole world". Further improvements were favourably considered for the recommendations of the Dominion Royal Commission of 1917 were as follows: "We look upon the scientific development of the Empire as the underlying factor in the whole problem of its overseas communication. The development of the harbours and their approaches on the great trade routes of the Empire on adequate and co-ordinated scale is therefore essential and urgent."

A major aspect of harbour development considered was the proposed "wet dock scheme" of Sir Patrick Geddes,¹ to occupy the marshes of Koraliawala and Kimbulawala and thus provide an inner harbour. "Harbour is fundamental to Colombo, so must its future extensions not only increase the town but largely determine its layout" Alternative proposals for the development of Trincomalee as an 'Eastern Port' for the island to develop trade with Calcutta, Madras, Chittagong, Rangoon and the other Burma ports; and Galle as a 'Second Port' in the western coast to relieve the congestion at Colombo were studied.² However, no major improvements were carried out and the outbreak of the World War II caused the postponement of the schemes of development. The pre-war plans were reconsidered and radical changes were to be implemented. According to the "Proposals for the Development of the Port of Colombo" (1946),³ the disadvantage of the port that it was entirely dependent on "lighterage link" between ship and shore was to be remedied by the provision of deep water berths. Segregation into different parts of the harbour the various types of port operations, was recommended. The development proposals have four stages, three of which concern the construction of berths and quays. The fourth provides for an outer harbour of about 250 acres by extensions of the existing breakwaters.⁴

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1. *Ceylon Sessional Paper*—III 1921 (Section C).
 2. *Ceylon Sessional Paper*—XIII, 1921.
 3. *Proposals for the Development of the Port of Colombo*. (1946)
 4. It is anticipated that the fourth stage (outer harbour) would cost about 150 million rupees. Construction, however, has not yet started on this project.

IV. Functional Appraisal: Colombo Harbour in 1944 compared with the Harbour in 1957 after modern development.

Fig 4 compared with the Fig 5 show the changes and the new developments in the harbour and the port premises very well. Three major structures, Queen Elizabeth Quay, Delft Quay, and Prince Vijaya Quay are new structures in the modern harbour. The present area has thus been reduced to about 602 acres. The Passenger Terminal (jetty) which occupied a central place (Delft Pier) in the harbour in 1944 has been shifted westwards to its new location in Queen Elizabeth Quay. This is an important functional area in the townscape. The Vijaya Quay to the north east and Delft Quay in the middle of the harbour area are built broader and longer than their 1944 dimensions. Apart from the existing warehouses in 1944, new one-storeyed warehouses have been built on Queen Elizabeth, Delft and Vijaya Quays, increasing the present warehousing accommodation. As in 1944, rice which is a major item of import is stored in the Chalmers Granaries and Manning Market.¹

There are some changes in the areas that are dredged to specific depths. The deeper section dredged more than 36 feet is towards the west along the Queen Elizabeth Quay; the 30 feet deep area is towards the eastern sector. The intermediary areas are 33 feet deep. There is a shifting of the area demarcated for sailing vessels.

The position, size, orientation and functions of those structures that already existed in 1944 such as patent slip, graving and inner dock, jetties such as Kings, Prince of Wales, Sydney, Melbourne, Guide Jetties; coal jetties and depots,² oil storage areas and Kochchikade grain jetties remain unchanged in the present harbour.

The port premises is a distinct functional area, (as it was in 1944) because it is entirely walled along the semicircular curvature of coastline and provided with 8 gates. As a result of the shift of the Passenger Terminal westwards, the flow of traffic is more intense along Commissariat Road and Marine Drive via the Custom's Main Gate than along Church Street—York Street. There is thus a notable change in the behavior of traffic relative to shifts of functional areas.

1. Chalmers Granaries have 137 rat proof stores, Manning Market has 25 stores. There is a proposal to shift these stores either to Weragoda or to Veyangoda to relieve the congestion of these areas.
2. There are 16 jetties and 18 coaling depots occupying about 24 acres.
3. *The Official Handbook of the Port of Colombo*. Colombo Port Commission, 1939.

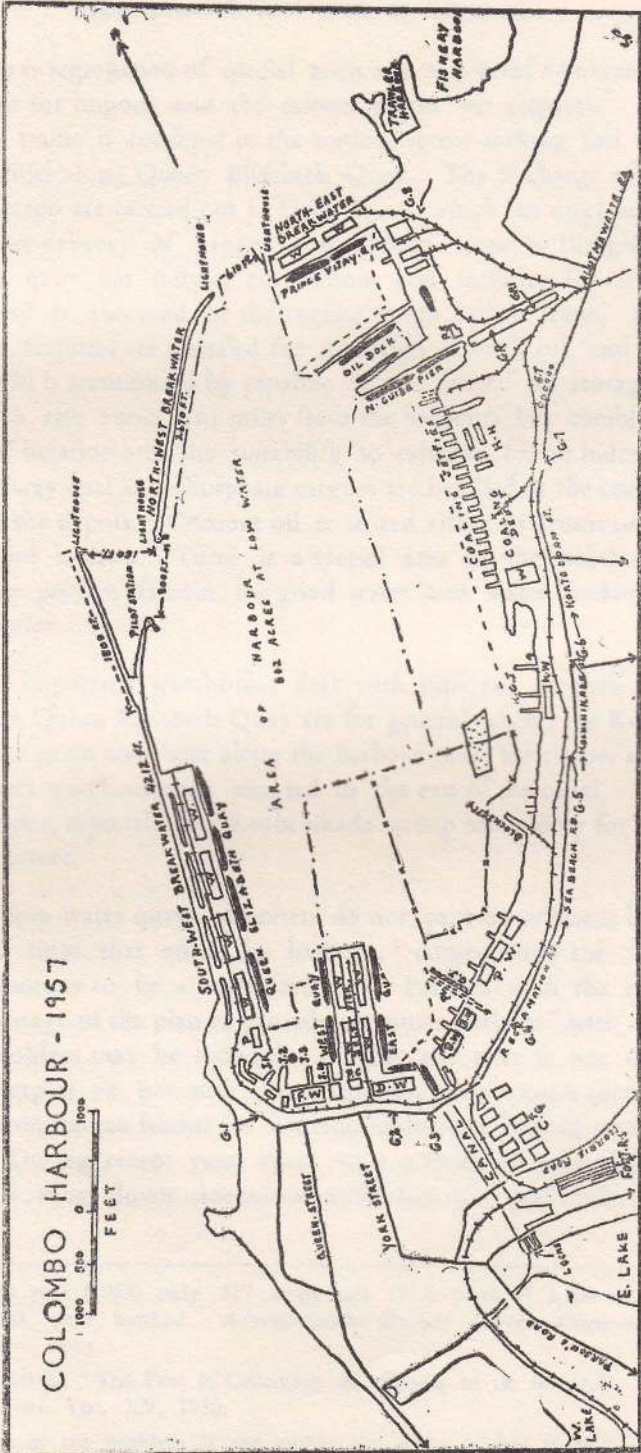
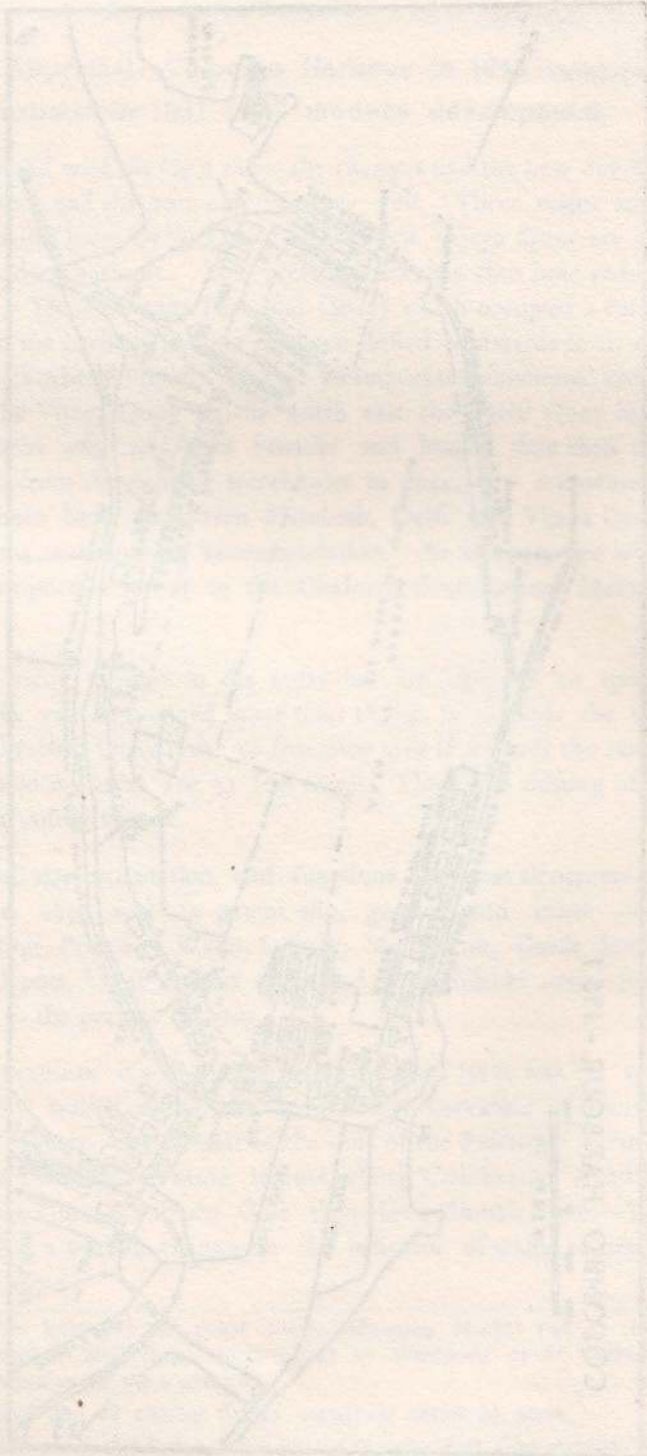


Figure 5



COMPARISON HYDROGRAPHIC

There is segregation of special areas and a general demarcation of the western sector for imports and the eastern sector for exports. The passenger-cargo traffic is confined to the western sector making full use of the berthing facilities along Queen Elizabeth Quay. The discharge of foodstuffs and general cargo are carried out in Delft Quay which has mechanical equipment for direct delivery of bagged grain, flour, sugar to the granaries and stores. This quay has railway connections and facilities for fresh water bunkering and is also used for the regular South Indian trade. Along the eastern sector, facilities are installed for discharge of coal, oil, and bunkering of vessels. Oil is transmitted by pipeline to the central oil storage depot at Kolonnawa, a site about 4.25 miles from the harbour, but combining dual advantages of isolation and site suitability so essential for an industry of this nature. Railway coal and phosphate cargoes are handled at the coaling jetties and stored in the depots. Coconut oil is stored either in drums or tanks and is pumped into tankers. There is a special area in the north east for its storage. The port is famous for good water and water bunkering is an important service.

Three important warehouses deal with different cargoes. The new warehouses on Queen Elizabeth Quay are for general cargo; the Kochchikade warehouses for grain and those along the harbour canal for timber and metals. The five export warehouses are situated to the east of the canal. Transshipment warehouses, especially the Kochchikade group are mainly for cargoes of a perishable nature.

The deep water quays at present do not provide sufficient berthing to most of the ships that enter the harbour,¹ consequently the "lighterage link" still continues to be a main feature.² Perhaps with the completion of the fourth stage of the plan to provide an 'outer harbour' with deep water quays, this problem may be reduced. Further the port is not mechanised enough to keep it on par with other modern ports; consequently it depends mostly on human labour for loading, unloading, storing and transport operations. During recent years there were a series of port strikes which resulted in slowing down operations and thus the port costs have risen steeply.³

1. In a recent year (1955) only 527 ships out of a total of 3,204 ships arriving at the port were berthed. *Administration Report of the Chairman of Port Commission — 1955.*
2. P. A. J. Hernu, "The Port of Colombo, A glimpse at its future." *The Ceylon Trade Journal*, Vol.-XV, 1950.
3. This aspect of the problem is not within the scope of this study.

V. The Colombo lake (Beira) and the Port

The lake is geographically and economically a part of the port. It is linked to the harbour by the harbour canal. Because of this good access many export and import firms are attracted towards its waterfront.

The Lake Development Plan of 1922¹ considered the improvement of the one drawback of the harbour, namely the absence of a commercial frontage. It aimed first, to canalise the lake and connect it with the harbour; second, to provide valuable commercial frontage by reclamation for warehouses, godowns, factories, mills, boat building and repair yards, thus making the lake a commercial annex to the harbour. Locks² were provided for the harbour canal at both ends; the San Sebastian canal was deepened and locks installed. Lake side basins with ample sidings to carry heavy traffic were constructed. These improvements have eased considerably the heavy and bulky traffic of carts and lorries that converge on the port, and thus have provided a second means of cheap, quick transport. Indeed, the lake functions as an artery to the port. With the installation of larger locks capable of taking even 100 ton lighters, there has been greater commercial use of the lake side premises and the growth of lake side industries, such as barge repair, boatbuilding, marine engineering and warehousing.

VI. The Port's Traffic

Colombo as a port of call is primarily interested in ships and the numbers which frequent it. The increase in the numbers of ships and of tonnage, after 1870, was remarkable. In 1870, 1453 ships entered Colombo with a nett tonnage of 252,595.³ In 1898, after the breakwater construction, the tonnage had doubled at 597,063 with 1629 ships. In 1910, tonnage increased enormously to 8,847,184 with 3339 ships,⁴ a reflection of both the port's popularity and trade prosperity. By 1913, the tonnage exceeded 9 million, but during the World War I period it decreased below 4 million. By 1920, the pre-war level was reached. Continued trade prosperity in Ceylon and in the Eastern hemisphere accounted for more than 11 million tons in 1927. The depression of 1930's put down the tonnage, however, conditions improved by 1937, and the tonnage exceeded 12 million. During World War II, the tonnage fell below 4 million. After the war, it increased

1. *Ceylon Sessional Paper*—XXI, 1920.

2. *Ceylon Sessional Papers*—XIV and V, 1907, and 1910 respectively.

3. *Ceylon Sessional Paper*—LIII, 1879.

4. E. H. Davies, *Ceylon Handbook Supplement*, 1927, p. 288.

and reached the high level of about 13 million tons, with an average of about 3,000 to 3,250 ships per year. From the point of view of shipping tonnage Colombo is of world wide significance.

The modern port must be studied in close relation to the modern ship.¹ Merchant ships² between 400 to 500 feet in length³ mostly motor-driven and oil burning predominate, emphasizing Colombo's role as a port of commerce. There is regular frequency of scheduled passenger liners, cargo liners, oil tankers and even sailing vessels and coasters. As the modern ship is mostly motor-driven and oil burning, the oil bunkering trade has improved and coal bunkering has fallen off:⁴ United Kingdom shipping maintains its lead amounting to about 40—50 per cent of the total number of callers, consequently the greatest volume of sea borne traffic is between Colombo and the United Kingdom ports.

Passenger traffic⁵ of the port is sensitive to and influenced by regional and world events. Taking the past decade, it can be shown that in 1953, there was an increase of passenger traffic to 399,780 persons because of the Royal Coronation in England. Again in 1956, the numbers decreased to 262,647 people as Australian traffic ceased to call at Colombo because of the 'Suez Crisis.' Passenger traffic of the port is essentially of a "transit nature," emphasizing its midway position between European ports and Australia or Far East, and it is enumerated that an average of about 33,000 persons pass through it per month.

VII. The Trade through the Port

Since the development of plantation agriculture by the British, (1830 onwards) the cargo traffic of the Port of Colombo is characteristic of the trade of Ceylon. We have seen already that the port has changed with the vicissitudes of that trade. This fact and the importance accruing to the port by its almost unique identification with the capital must be emphasized. Today, almost the entire trade of the island is channelled through the Port of Colombo.

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1. A. J. Sargent, *Seaports and Hinterlands*, London, 1938, p. 3.
 2. "Type of ships at the Port of Colombo." *Administration Reports of the Chairman of the Port Commission*.
 3. "Size of ships at the Port of Colombo" (same sources).
 4. In 1910, 709 ships called for coal bunkering; in 1927, only 413 ships; the numbers decreased sharply below 100 ships by 1954.
 5. The data about numbers of passengers are from: *The Administration Reports of the Chairman of the Port Commission* for the years referred to respectively.

In a geographical sense, Colombo has an 'ideal hinterland'¹ comprising the entire island. The entire area of 25,332 square miles may be taken as the port's hinterland, because the other two ports of Galle and Trincomalee share less than 2 per cent of the shipping and the total trade. Colombo's hinterland is very accessible, being well served with about 14,000 miles of roadways,² giving a ratio of 1 mile for 1.4 square miles. There are 896 miles of railways. The hinterland, however, for export trade is confined to one zone, the areas of tea, rubber and coconut production. These commodities account for more than 90 per cent of the exports and are thus the mainstay of the economy. They are grown mostly in the south western region, an area of about 4 million acres, out of which tea occupies about 550,000 acres, rubber about 650,000 acres, coconut over 1 million acres and about 500,000 acres are devoted to paddy, mixed garden, cinnamon, citronella and other crops. This area is well developed for about 2.5 million acres are under crops, which is 65 per cent of the island's entire cultivated acreage³. The cultivated region, the productive hinterland, has the highest road and railway mileage per square mile. Any place within it is within 5 miles to a motorable road; 10 to 15 miles to a railway and 15 to 20 miles to a town or marketing centre. The productive area is within a radius of 50 to 75 miles from Colombo. This area contains about 65 per cent of the island's population,⁴ about 75 per cent of the towns and marketing centres, the largest concentration of socio-civic institutions and amenities, and therefore may be termed the "core area or oecumene" of the island, as 90 per cent of the sources of wealth are located here. Colombo is the focus, the only port-city of this core area.

The measure of the extent and the economic activity of the port's hinterland is to be found in the statistics of trade in terms of values.⁵ The value of exports has risen from 129 million rupees in 1907 to 449 million in 1927; to 765 million in 1946, and to over 1,000 million rupees after 1948. It reached the high figure of 1,940 million rupees in 1955. The total imports were 129 million rupees in 1907; 421 million in 1927; 696 million by 1946 and reached above 1,000 million in 1949. The total trade of the island which is very little more than the trade of the Port of Colombo has risen from 25 million in 1906 to over 3,000 million Rupees after 1950. The port's

1. A. J. Sargent, *op. cit.* p. 15.

2. About 6,000 miles are bitumen surfaced and open to lorry traffic.

3. About 6.5 million acres are cultivable, out of which about 3.8 acres are cultivated.

4. The total population is about 9 million, of which the region referred to has about 6 million people.

5. "Value of total trade of Ceylon" (Sources—*Ceylon Year Books*.)

cargo tonnage has correspondingly risen and today it handles more than 5 million per year.¹ It is feared that this volume of goods traffic is beyond the physical capacity of the port and its facilities to handle it without a reduction of its efficiency.² Increasing mechanisation and the installation of up-to-date time saving mechanical contraptions could certainly remedy some of these disadvantages.

The direction of trade is interesting. United Kingdom remains the largest buyer of the island's tea. Until 1951, United States bought the bulk of rubber, but in 1952 after the Ceylon—China Trade Agreement, the direction of rubber exports changed towards China. Coconut products are exported to United Kingdom, Pakistan, Italy and Denmark. The imports constitute mostly the requirements of food, manufactured goods and textiles, of which 49 per cent consists of items of food and drink. Rice which is the most important item of imports accounted for about 15 per cent of the total. The imports mainly come from United Kingdom, China, India, Burma and Australia.

The port's bunkering and trans-shipment trade should also be noted. As the coal bunkering has declined, the oil bunkering has improved with the modern facilities for discharging, pumping and storage at the port. The numbers of ships taking liquid fuel bunkers and the quantity of bunkers have increased. About 1,450 to 1,500 ships call at the port for oil bunker and the quantity of bunkers is about 500,000 tons per year. About 3,000 ships called for water bunker and the water intake was about 800,000 to 850,000 tons per year. Thus about 25 to 30 per cent of the city's water consumption is used for shipping.³ Transshipment and reshipment traffic is mostly with the Indian, Pakistan, Arabian and other South East Asian ports. Jute and gunnies continue to be the chief items. Though it is hoped that with additional storage and space to be provided under the port development scheme, this aspect of trade and entrepot functions may increase and develop, yet, due to the modern developments of the Indian and South East Asian ports, we cannot be too optimistic about it.

The port focuses the city's national and international importance. Port prosperity is city prosperity too, and reflects and general development of the country. The port-city-hinterland interrelationships are implicit in this analysis.

1. This includes the tonnage of exports, imports, re-exports and trans-shipments.

2. *Ceylon Sessional Paper*—XXV, 1951.

3. *Ceylon Sessional Paper*—VII, 1955.

A SOCIOLOGIST'S REFLECTIONS ON AN ANTHROPOLOGICAL CASE STUDY.*

RALPH PIERIS

Although an individual can live only one life, he can gain a measure of "understanding" of aspects of the lives of others. There are limits to that understanding: an individual cannot "step into the shoes" of another, except in a relatively superficial sense, nor can he share the innermost thoughts even of those closest to him. Anthropologists have however evolved "scientific" procedures of field research, and insist on the investigator spending a certain (or rather, uncertain) period amongst the people he studies, to enable him to gain a modicum of insight into their behaviour. It is important that he adopts a learning situation which leaves him in a position to communicate the understanding he derives to others, for solipsistic involvement precludes the possibility of objective study of man and society. Malinowski's prolonged sojourn among the Trobrianders—two periods of one year each, of which total only six weeks were spent in European company—gave his reports an "actually of relationship and a richness of content" which ethnographic accounts hitherto lacked. (Karberry, 1957, 71). The rich detail of his monographs, particularly in so far as he succeeded in communicating a sense of the "imponderabilia of actual life" impressed his students. A host of epigones came to regard a period of field work as the hallmark of a professional anthropologist, and the longer one's stint among "savages," the more illuminating and scientific the fruit of one's labours.¹

The intellectual background of the pioneer British anthropologists² was one of a self-satisfied middle class. Not even the heritage of an extensive colonial empire peopled by exotic tribes and races eroded the parochialism of Victorian intellectuals who took their society and culture to be, if not universal, at least the most "natural" and desirable. To jolt him out of this complacency, and to transform the dogmatism of the untravelled into

* The study in question is *Pul Eliya. A Village in Ceylon*, by E. R. Leach (Cambridge 1961).

1. Evans Pritchard was guilty of rank heresy when he stated that M. Mauss, in his essay on *The Gift*, was able to gain the same kind of insight which anthropologists derive in the field, from his flat in Paris.
2. Throughout this paper, I refer to *social anthropology*, although using the abbreviated "anthropology". The first university chair which bore the title social anthropology was an honorary professorship held by Sir James Frazer at Liverpool in 1908. (cf. Evans Pritchard, 1961, 3).

a more receptive and objective state of mind, a therapeutic withdrawal from his own society was deemed as important to the anthropologist as self analysis was to the psychoanalyst. The doctrine that a given society can be studied objectively only by one alien to it seems unjustified nowadays; anthropologists are not so smug, and a literate person can read enough about alien societies to approach his own with detachment. But compulsive withdrawal from one's own society in order to deepen one's understanding of Society, is not merely dictated by scientific considerations. It is a ritual having deep emotional significance. The suggestion has been made that he who offers himself as an anthropological acolyte prepared to undergo a period of fieldwork as a rite of passage to the charmed circle of "trained" anthropologists, is in psychological need of withdrawal from a society in which he is ill-adjusted. Be that as it may, anthropologists frequently betray signs of being tormented by a guilt of incomplete isolation, and to derive solace from the naive belief that a fixed period of time (say two years) gives the same quantum of "understanding" to all alike (cf. Evans Pritchard, 1951, 76.)

But surely there are differences in the receptivity and sensitivity of individuals. What one man learns in a month may take a more gifted person a week, while yet another may never perceive the elusive imponderabilia. I therefore find it puzzling that Dr. E. R. Leach in his admirable case study of land tenure and kinship in a village in the Ceylon Dry Zone, refers with awed respect to the 15 months spent in another part of the Dry Zone by his protege Dr. N. O. Yalman,¹ while his own study of Pul Eliya village, limited to some six months, is admitted to be open to the "obvious criticism" that it covered "too short a period of time to be of real scientific value" (Leach, 1961, xii).² It is not an echo of the Puritan doctrine of the merit of making the best of available time, but rather a gnawing sense of guilt that withdrawal from one's own society may not be long, and complete, enough. One can well imagine the pangs of conscience experienced by the bored anthropologist each time he sneaks out of the village and motors a few miles to the rest house for a drink in urban surroundings. For the six months solitary confinement to which he has sentenced himself should not be interrupted—certainly not for more than the proportion of six weeks in two years which one of the Founding Fathers allowed himself.

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1. In fact, the venue of Dr. Yalman's major anthropological exploits was a village in the Wet Zone (Teripeha, Walapane District) cf. Yalman, 1960. His research in the Dry Zone was much shorter than 15 months.
 2. I find it disconcerting that much of what Dr. Leach claims to be obvious is far from being obvious to me, while what he seems to consider unexpected is pretty obvious.

The fact is that the logical result of too great a concern with obtaining insight into nebulous imponderables must result in solipsistic isolation. Awareness of this basic fact led anthropologists to map out objectively demonstrable areas of investigation. But the idea of collecting as much data as possible without any definite purpose, though apparently outdated, dies hard. It seems to be sanctioned in successive editions of *Notes and Queries on Anthropology*. Indeed, many celebrated scholars have brought out a number of books and papers based on data collected in the course of a single field trip, for they "know" no other society besides the one to which they withdrew for a few months, a decade or so previously. And this constituted their life experience, since, until recently, the mores of the profession precluded research in one's own society. (The case arose of a conscientious lady of the fraternity who, asked to deliver a course of lectures on social structure in a leading British university, insisted that she could talk only about the single society which she had studied). Nowadays, even if a great deal of "interesting" information creeps into the anthropologist's notebooks, e.g. observations on the sexual significance of hair (cf. Leach, 1958b), the tendency has been to limit oneself to the sanctioned foci of investigation, particularly the more "structured" aspects of the social system, such as kinship and land tenure. This structuring of the foci of investigation has reduced the length and intensity of participation required of the anthropologist.

The informant has played an important, though often unacknowledged role in anthropological investigation. He can on occasion irritate the fieldworker (cf. Evans Pritchard, 1940, preface) but he can also minimize, and even relieve the anthropologist of the stresses and strains that direct participation-observation involves, besides shortening the period he need spend in the field, and rendering a working knowledge of the native language superfluous. Since Dr. Leach does not mention that he employed the services of an interpreter, some of the statements and opinions attributed to the villagers give the impression that the author was in perfect rapport with the subjects. But is he being as honest with his readers as he claims? (Leach, 1961, 12). On the other hand, Ryan (1958, v-vii) acknowledges the contribution of two native collaborators who first assisted him when his study of a Sinhalese village began as a "directed student project" and continued and intensified after they had graduated, their "collaboration" being "of an order amounting to co-authorship." Besides, four persons of the village "served frequently as our mentors, informants and co-operators." Clearly, the in-

volvement of so-called participant-observers can be vicarious, delegated.¹ The intermediary (variously designated—informant, interpreter, collaborator, research assistant) is the catspaw used by the anthropologist to derive sufficient communicable understanding of alien societies in terms of familiar categories. Thus Ryan (*ibid.*, 48) renders the Sinhalese term *ge* (literally "house") as "patrilineal family" and illustrates it by the analogy of "the Lodges or the McGinty's of Boston, Massachussets." This questionable interpretation may be gratifying to those who are aware of the supposed American parallel, but it does not elucidate the Sinhalese concept. Dr. Leach is hardly more successful in his lengthy analysis of the Dry Zone *variga*, an endogamous and partly fictive kin-group (Leach, 1961, 67—78). But his comparison of interests in village land to share-holding in a joint stock company is certainly appropriate (*ibid.*, 157).

The inevitable outcome of limiting his range of observed fact, and of employing informants, is that the anthropologist tends to lose his penchant for the imponderables, and seeks what is quantitative and measurable. His denigration of the statistical social survey (which he may mistakenly assume to be *the* method of sociology) hardly helps to resolve his own methodological dilemmas. In an earlier paper Leach (1958) blandly declared that the sociologist's methods were statistical in contrast to those of the anthropologist who was interested in relational configurations derived by participant-observation over prolonged periods of time. In his latest monograph he claims to "examine quantitative ('statistical') facts of a particular case and show that these possess a structural pattern which is independent of any ideal paradigm" (Leach, 1961, 8). True, at several points he resorts to simple enumeration of all instances, e.g. kinsman invited to, and excluded from, a puberty ceremony (*ibid.*, 121), extant marriages (*ibid.*, 82-83), extents of land holdings (*ibid.*, 152, Map E). But the presentation of other facts is hardly quantitative. Thus the instance of the young lady who had "married" seven times, thrice with the same husband, is cited as an extreme case but not

1. The late Professor D N. Majumdar of Lucknow, once complained that an American anthropologist who had produced a voluminous book on an Indian village, complete with pretty photographs, had not slept a single night in that village, and depended entirely on student interviewers for his information. And students are readily available in countries having high rates of graduate unemployment. At a time when Foundations are anxious to promote research in "applied anthropology" the whole business of "rapport" becomes a matter of intellectual chicanery. Srinivas (1959) has described a new type of academic structure headed by a Director who is an academic entrepreneur who has succeeded in securing research funds, while at the base of the hierarchy are postgraduate students who are made to do the dirty work of collecting data through questionnaires drafted by the middle ranks of the hierarchy. Needless to say, the report is ascribed to the Director, who had little to do with the actual research.

unique (*ibid*, 90). But if not unique, a statistical count of frequency of marriages for each individual in the village (or for a representative sample) is to be expected if, as the author claims, his data is quantitative. If these frequencies are expressed as an average (or if standard deviations are computed) we are in the realm of the abstract, in the sense that a concrete individual cannot be said to have married three and a half times.

A crucial dilemma results from Dr. Leach's unreal dichotomy between specificity and abstraction. Claiming that he has let his evidence "speak for itself" he proceeds to suggest that by doing so he has been more honest with his readers than some of his colleagues have managed to be with theirs (*ibid*, 12). The burden of his complaint seems to be that these others¹ have presented ideal accounts which may have done violence to the complexity of empirical reality. In a previous monograph, he argued: "If one attempts to interpret a social structure by means of analytic categories which are more precise than those which the people use themselves, one injects into the system a specious rigidity and symmetry which may be lacking in the real life situation" (Leach, 1958, 106). The solution is to make ethnographic reporting as exhaustive as possible, examining the so-called "statistical" facts of a particular unit to show that they exhibit a structural pattern which is independent of any ideal paradigm. In fine, meticulous description reveals a single pattern *per se*.

Now in a limited universe comprising a single village inhabited by 167 interacting persons, it is mathematically feasible to count the frequencies of certain significant relationships and actions. But not precisely: interaction between two persons (or rather, two role relationships) are admitted to be only "rough approximations" If so, the table of "behaviours expected between pairs of males" (Leach, 1961, 126) turn out to be ideal paradigms. In short, every verbal description of actual behaviour contains some element of an ideal paradigm, unless it refers to specific actions of an individual. But these behavioural constants which we posit on the basis of observation of an adequate number of instances, are not proved to be wrong on account of a few deviations. The crux of the problem has been stated thus by Emmet (1960);

abstract types are formed by generalizations from the behaviour expected as appropriate in the various roles they define. The

1. The chief offenders among writers on Ceylon are Ievers, Codrington and R. Pieris (Leach, 1961, 2). Anthropologists, the "idealists" include Evans Pritchard, Meyer Fortes, and J. C. Mitchell (*ibid.*, 305).

types are idealizations, in that no one may behave just like this as a son or a headman; but they define roughly how people think sons or headmen ought to behave, and this in a way not too far removed from how they usually do behave.

I submit that the naive empiricist doctrine that evidence recorded with meticulous detail reveals a pattern, is untenable. The patterns that emerge are idealizations. Dr. Leach is clear in what he himself calls his "insinuations" against his colleagues. Writers like Evans Pritchard and Fortes are accused of having adapted their facts to ideal concepts "by means of fictions" (Leach, 1961, 8). I maintain that he himself is equally prone to resort to fictions, and that he has failed to conceal this from the reader by his ingenious verbal manipulations, e.g. that actual behaviours are "rough approximations" vis-a-vis idealized patterns. A clear contradiction is involved in his central argument, for he denies that the behaviours he postulates (for instance, role relationships between pairs of males) are rigid stereotypes, since they do not bear a perfect correspondence to the details of empirical reality. In that event they can only be abstractions, idealizations, fictions.

The root of the matter is that one can be more or less specific in detailing social facts. Evans Pritchard (1940, 38), describing a tribe whose main interest centred around cattle, wrote

When a Nuer mentions an ox his habitual moroseness leaves him and he speaks with enthusiasm, throwing up his arms to show you how its horns are trained. 'I have a fine ox,' he says, 'a brindled ox with a large white splash on its back and with one horn trained over its muzzle'—and up go his hands, one above his head and the other bent at the elbow across his face.

This is an abstract statement, a generalization, expressed with the "beautiful lucidity" characteristic of this author's writings. According to Leach (1954, 282) that "beautiful lucidity" was possible only because Evans Pritchard limited himself to description of certain ideal types of situation. On the other hand, I attribute that stylistic elegance to the degree of abstraction rather than to anything inherent in the situation. Further, I submit that nothing is gained by reducing the abstract statement quoted above to a statistical enumeration of the precise mode of reaction of each individual Nuer, or a representation sample of the tribe. Yet a conscientious plodder might well do precisely that, and report that "4.7 per cent of the tribe reacted to a question on cattle with an interested grin, without raising their hands or talking in the manner described by Evans Pritchard."

The question is where to draw the line. If we want to see the unit of investigation as a whole, too much detail might obscure the overall picture. Even a billiard ball, if observed at a certain nearness (through a microscope) is no longer smooth. My objection is to the dogmatism and intolerance of an approach which, having decided on an arbitrary degree of specificity, seems to decree, "this is where I draw the line, *ergo* this is where it should be drawn" No objective criteria are proposed, for the simple reason that there are none. The greatest of the Founding Fathers, Radcliffe Brown, once suggested that there were no rules to guide one's choice of units, that "the procedure contains an arbitrary element, and the only question is whether you are acting expediently or inexpediently, and probably you cannot tell whether your abstraction has been expedient until you have made your study and seen what results you get" (Radcliffe Brown, 1957, 61-62). If Dr. Leach is satisfied with what he claims to be the "excessive detail" of his case study, I am equally satisfied with the abstract treatment of the Dry Zone village in my *Sinhalese Social Organisation* which was intended to serve as a "model" of what the available evidence indicated to be the social system of a whole kingdom, of which the idealized Dry Zone village was only a relatively isolated part (cf. Pieris, 1956, 6) It could have been made more abstract and, consequently, more readable. But the historical data available precluded the "excessive" detail of Dr. Leach's study of a contemporary village.

In a great deal of anthropological discourse it is not the commonsense recommended by Radcliffe Brown that seems to determine decisions as to the degree of abstraction, but rather an irrepressible desire to indulge in a bout of head-hunting, to appear "different" from one's colleagues. (I hasten to add that the ill-mannered denunciations of the young Turks of anthropology which adorn the back pages of *Man*, are here replaced by subtle and dignified "insinuations"). The danger of this intellectual climate is that *any* account can be challenged as being "ideal". The "excessive detail" for which Dr. Leach makes such exaggerated claims can easily be shown to be sadly deficient. Thus he has presented "idealized" behaviours expected between certain pairs of male kin roles, but there is no parallel information about the basic relationships between male and female roles. Not even is the husband-wife relationship considered in any detail. Yet information on the prevalence of wife beating, adultery etc. might well have been crucial. "Marriage" is treated in an abstract manner, and the role of the wife in day to day affairs ignored. In fact, it is a male view of the social system that Dr. Leach presents, though that abstracted presentation is highly competent and full of interest. But I question whether there is anything unexpected, although I do

not doubt that it is "an addition to the already substantial literature relating to Ceylonese land tenure." An addition, to be sure, which serves to broaden the existing knowledge without altering it.

Pul Eliya is even less successful where it attempts "to provide a critical test of certain features of the theory and method of contemporary British social anthropology" (*ibid*, 1). All too often, what purport to be "critical tests" turn out to be little more than academic polemics, buried beneath an imposing mass of empirical data. The "evidence" can hardly be taken seriously if, as Dr. Leach argues, it is put in by way of illustration of "some rather preposterous hypothesis of a very general kind" which itself is the product of the anthropologist's "private intuition" (*ibid.*, 12). The careful reader soon finds that the hypotheses adduced are "preposterous" only in so far as they challenge the findings of certain British anthropologists. But taken out of the context of parochial disputation, they appear in a different light. The reader who is innocent of these local controversies and tensions will not fail to be struck by the quibbling over nominal differences, the magnification of "errors," and the failure to refer to parallel findings of others. It appears that just as kinship principles are intelligible only in the context of locality—one of Dr. Leach's "findings"—anthropological hypotheses are meaningful only in the context of a local universe of discourse.

Lest my strictures appear to be preposterous, let me justify them by "evidence" from Dr. Leach's monograph. Let me begin with his charge that a number of anthropologists separate social structure and natural environment (*ibid.*, 305). Thus Evans Pritchard "in writing *The Nuer* (1940) clearly tried to integrate the analysis of 'ecology' with the analysis of 'social structure.' In practice each half of the book is autonomous and makes sense without reference to the rest" But what else could the author have done? For his exposition he divides the book into chapters, and each chapter deals with a specific topic. He can draw the threads together in a "conclusion." He can make the trite proviso in his introduction that "although the book is divided into chapters, the contents are interrelated."¹ But otherwise, each section must necessarily appear to be autonomous.

The point is that functionalistic demands have sometimes to be sacrificed for the sake of exposition. Furthermore, it is in fact expedient to treat certain segments of a society separately, e.g. a factory or firm, a school or

1. Thus Pieris (1956) 26, states "the artificial divisions of the book tend to obscure the fact that the various parts of the social system are functionally interrelated."

university, a clique or workgroup, a village or hamlet, and so on. It is idle to assert that "since everything is related to everything else, the whole must be treated simultaneously." Indeed, if Dr. Leach's contention is valid, his own case study can be challenged on the ground that it treats a single village as an autonomous unit, although on occasion he betrays its connectedness to larger wholes. Thus he refers to "customary behaviour of Sinhalese villagers of the North Central Province in 1954" (Leach, 1961, 96), to "the Sinhalese situation" (*ibid*, 94), and to the villagers' contacts with the outside world (*ibid*, 30-33).

Let us act on Dr. Leach's exhortation (*ibid*, 304) and go back to first principles. Now whether we are demarcating categories, or whether it is a question of deciding on the expedient degree of abstraction, some line must be drawn. Radcliffe Brown (1957, 61, 62) explained the first principles clearly, and made a plea for tolerance and good sense in their application.

Where do we, for the purposes of a study, draw our line around a system? Remember the system is separated from all the rest of the universe. In all science the scientist attempts to separate conceptually what he is studying from its environment. To some extent . . . such abstractions are arbitrary, but some abstractions are expedient and some are not. The art of science is to know where to make the abstraction. The art of the scientist lies in his ability to distinguish between the expedient and the inexpedient, thus assuring that his investigation will have positive results. This distinguishes a good scientist from a bad. It involves a certain amount of intuition.

. . . From certain points of view it would be convenient to take the whole of the United States as a unit—obviously so if you are dealing with certain political problems. On the other hand, in considering economic institutions, the whole world is society now. Again, for certain other kinds of social problems, the United States is far too big, and therefore, what we have to do is to take as a unit a smaller community which we can separate out, define, and study as a system.

Having chosen the unit, it may be expedient to treat certain behavioural constants separately, e.g. political behaviour or land tenure and/or kinship. True, in some societies the various aspects are closely knit—for instance Bailey (1957) showed that analysis of the market for land in a village in Orissa (India)

involved a study of almost the entire social, economic and political fabric. But in other societies there is much less interdependence. Again, we conceptualize and talk of "roles." But though aware that the same man takes several roles, we are entitled to analyse each role separately. Dr. Leach has made certain decisions regarding his unit of study, and the degree of abstraction with which he treats his data. My complaint is that he does not regard his decisions as matters of expediency, but rather as the only decisions which are legitimate, and therefore binding on all.

I now turn to his failure to give due recognition to the parallel findings of others. This is a venial sin, but it militates against the codification of concepts, hypotheses, and "intuitions". Thus the "effective" *pavula* (family) is distinguished (*ibid*, 113) without reference to the distinction made by Firth and Djamour (1956, 45) between "effective" and "non-effective" kin. Finally, there is Dr Leach's "awkward doctrine that, in this society, the kinship system is not 'a thing in itself,' but rather 'a way of thinking about rights and usages with respect to land'" (*ibid*, 146). This is neither new nor awkward. It is sociological commonplace which figures prominently in MacIver's early text books, stated as a general proposition that locality is the essence of community. More specifically the present writer adduced detailed evidence to demonstrate the linkage between kinship, marriage, and property in land (Pieris, 1956, 209-210). Generally, kinship, as well as marriage, can have various "functions," any of which may be dominant in a given society (for a discussion of the various functions of marriage cf. Leach, 1955). In Pul Eliya the dominant "functional" relationship was between kinship and rights in land

One aspect of this monograph which made me uneasy was the fact that the people studied and their village were not left anonymous or pseudonymous. Is this cricket? Is it sufficient merely to express the author's "thanks and apologies" to a people whose private lives he has laid bare to the world? Of course this author is not alone in this respect. In a recent study of a Sinhalese village which is mentioned by name, Ryan (1958) inserted a number of photographs of individuals. Would he have dared to do the same in the United States? It is not that there is no scope for anthropological studies in Europe and the United States, but that scholars can extract funds from opulent Foundations to probe the intricacies and intimacies of human relationships in underdeveloped countries without risk of libel actions instituted by their unsuspecting victims. One can only live in the hope of either a change of heart on the part of the scholars, or of protest by those investigated. Is it not time that the "savages" of the world united in revolt against this

unconscionable probing into their private lives by anthropologists looking for "evidence" to support their private intuitions?

If what I have said here appears to be a disenchanted view of anthropology, I must conclude by acknowledging that Dr. Leach's excellent book holds out fresh promise for the social sciences in that he has transcended the pollution-complex which keeps anthropology and sociology poles apart. He has confounded those (including himself) who insist that the difference between the two disciplines is the sociologist's exclusive concern with statistical methods and quantitative data (cf Leach, 1958). In fact, the really unexpected aspect of *Pul Eliya* is the author's admission that anthropologists are entitled to undertake "quantitative" studies, although his conception of "statistics" is confused. Srinivas (1959) is more explicit in his evaluation of the role of statistical data and methods in anthropological studies

. . . whereas formerly it was enough to say that in two different societies there was a preference for marrying mother's brother's daughter, nowadays an anthropologist would try to find out how many of the total number of marriages in either society are with mother's brother's daughters. He would also try to relate it to other institutions of the society. The sanctions which are brought to bear on those who fail to marry their mother's brother's daughter would also be mentioned, preferably from actual case histories. Nowadays an anthropologist carries out a census of people, livestock, houses and, less frequently, of occupations In short, with social anthropology becoming definitely sociological in its orientation, the need for quantification has been felt. And with the extension of the field of social anthropology to the study of large villages, towns, factories, and even regions, statistical techniques will have to be increasingly employed . . . It goes without saying that quantification should be resorted to only when necessary and not as a fetish . . . our best insights may come from work which has not involved the use of statistics.

It is to be hoped that anthropologists will proceed to make use of the insights, concepts and methods of those on the other side of the academic fence without undue fear of pollution and mental disorganization (cf Horton, 1961). Such a trend was already begun by Radcliffe Brown, who did not hesitate to lean heavily on Durkheim although the latter was an armchair sociologist who had not undergone the requisite rites of passage for qualifi-

cation as an anthropologist. Indeed, Dr. Leach might have avoided much of the confusion and misrepresentation in his discussion of the "idealized" nature of existing studies of the Dry Zone, vis-a-vis the essential rightness of his own down-to-earth empiricism (Leach, 1961, 2), had he been familiar with Max Weber's analysis of "ideal types" (Weber, 1947). If he does not believe in typologies it is not even necessary to go to Weber to realize that any abstract treatment cannot be the same as a faithful account of a single village, if such an account can ever be completed. Hence my account of *the Sinhalese village* (Pieris, 1956, Pt II) is abstract. As Baden Powell noted in the preface to his classic *The Indian Village Community* (1896) it is impossible to avoid "the errors which an abstract and unified conception of 'the village' can hardly fail to produce." But such abstraction can be as expedient as Dr. Leach's "excessive detail" both from the theoretical and practical points of view.

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EDUCATIONAL WORK OF THE CHRISTIAN MISSIONARY
SOCIETIES IN CEYLON
DURING THE EARLY YEARS OF BRITISH RULE*

I. THE LONDON MISSIONARY SOCIETY

T. RANJIT RUBERU

It was after the commencement of the British administration in Ceylon that the non-Romanish Christian missionary societies commenced their operations in the country on an organised scale. The first English missionaries to arrive in the Island, were those of the London Missionary Society in 1805, during the tenure of the government of Hon. Frederick North.¹ They were followed by the Baptist Missionary Society in 1812; the American Missionary Society in 1813;² the Wesleyan Methodist Missionary Society in 1814, and the Church Mission in 1818. Primarily due to the encouragement and protection extended to them by North and Brownrigg,³ the missionary enterprise in Ceylon commenced with great zeal and hope.

The dates of the arrival of these missions show that, except for the London Missionary Society, all the other missions were established in Ceylon during the period 1812 and 1820. This in fact was the period during which Brownrigg was the Governor. It would not be an exaggeration to say that Brownrigg always "most handsomly patronised"⁴ such Christian missions in the country. As "a friend of Christianity,"⁵ Brownrigg took a considerable interest in such matters. Besides the several contributions Brownrigg

* This is the first of a series of articles which will discuss critically the contributions made by different Christian Missionary societies to the progress of education in Ceylon. Though it is generally considered that the London Missionary Society was inactive in educational work their contribution to education in the country was significant by the way in which the ministers of this mission helped the government in such work. The present article is an attempt to establish this view.

1. Frederick North, Governor of Ceylon 1798 to 1805.
2. The American mission consisted of the missionaries sent by the American Board of Commissioners for Foreign Missions. This was founded in 1812 by the general association of Massachusetts for spreading Christianity in non-Christian parts in Asia. More about this mission will be discussed later.
3. Sir Robert Brownrigg was governor from 1811 to 1820.
4. C. O. 54, 55. Letter of Butterworth M.P. to Sec. of State 9 Oct. 1815
5. E. W. Perera, Ceylon under the British, in *Twentieth Century Impressions of Ceylon*, p. 66.

made to the progress of education in the country,¹ the one most outstanding was the encouragement he gave to the Christian missionaries. He always extended a favourable attitude towards them. The following words taken from the writings of a recent writer illustrate this attitude of Brownrigg very clearly. "The Governor of Ceylon from 1812 to 1820 was General Sir Brownrigg . . . a devout Christian as was also Lady Brownrigg, and both were full of sympathy with missionary effort. It is a cause for much thankfulness, that the beginning of all the missions in Ceylon took place during Governor Brownrigg's rule."² Brownrigg's own words, "it is a matter of peculiar satisfaction to me that I have seen under my government Wesleyans, Presbyterians and Baptists working with the regular clergy of the Church of England,"³ bear further testimony to the same.

The Missions so established in the country were able to take over the responsibility of educating both the Christian and non-Christian population. With all the privileges they enjoyed, and with all encouragement and support given to them by most of the governors and officers of high position; they were able to establish a Missionary school system of their own. The missionary school system so founded claimed a monopoly of education until the reorganisation of the state school system commenced much later, with the implementation of the recommendations of the Colebrooke Commission in 1834. This Commission stressed the same fact when it observed that "to the labours of these societies in the Cingalese⁴ and the Malabar⁵ provinces the natives are primarily indebted for the opportunities of instructions afforded to them, since the decline of government schools."⁶

As Sir Emerson Tennent observes in his book, *Christianity in Ceylon*, "the first missionaries who arrived in Ceylon after its occupation by the English were the three Germans⁷ sent out in 1804."⁸ These missionaries

1. Brownrigg's contributions to the progress of education can be summarised as follows.
 1. Took initiative in the inception and maintenance of the Bible Society of Ceylon.
 2. Outlined a plan for educational reform in 1813.
 3. Introduced Bell's system of teaching to schools.
 4. Took steps to promote learning of English.
 5. Created the Archdeaconry of Colombo. This in turn helped the Government to bring government schools under the superintendence of the Archdeacon as the Principal of schools.
2. John Ferguson, *The Early Protestant Missions in Ceylon*, Colombo 1898.
3. C. O. 54, 96. Letter of Brownrigg to Church Mission, 25 June 1818.
4. Cingalese = Sinhalese 5. Malabar = Tamil.
6. Colebrooke Commission Report, 24 December 1831.
7. This is incorrect because the mission consisted of four people. *Vide*. Letter of Maitland to Sec. of State dated 30 September 1807. Also Letter of North to the Secretary of State 27 February 1805.
8. Sir Emerson Tennent, *Christianity in Ceylon*, London 1805, p. 107.

arrived on 4th of February 1805,¹ and the mission consisted of four ministers.² They were Messrs. J. D. Palm; M. C. De Vos; J. P. Ehrhardt and W. Read. On their arrival the missionaries were "cordially welcomed,"³ by governor North who is believed to have "rejoiced at the arrival of these experienced and worthy men," from whom he expected the "greatest advantage,"⁴ to the government. The following extract taken from a letter sent by North to the Secretary of State clearly explains the benefit North expected to derive from these men. "I would certainly give every protection in my power to Mr. De Vos and his fellow labourers of whose character I have had very favourable accounts, and in the present state of this country the numbers of persons professing Christianity and really desirous of or at least not averse from obtaining a knowledge of its doctrine is very great. Their services may be rendered of utmost advantage not only in a spiritual view, but even in a moral and political one by impressing the natives with a due sense of the religion to which they suppose that they adhere, and of which they are at present shamefully ignorant."⁵ With such convictions Governor North, from the time of the arrival of the London missionaries in the country tried to employ them for the services of the Government. "I cannot however think it wholly desirable," observed North on one occasion, "that these good men should carry on their labours in these settlements in a manner independent either of the civil or of any established Ecclesiastical Government."⁶

These remarks make it obvious that it was the religious motive which influenced North to pay such attention to these missionaries. But besides the religious purpose it is possible to find another practical need which prompted North to employ them under the government. These missionaries arrived at a time when North was about to embark on a scheme for the reorganization of government schools in the country. Such a reorganization was essential for the reason that all schools which had been established and maintained by the Dutch government were in a state of ruin due to the negligence of the Madras administration.⁷ North started to re-establish these schools but he was faced with the difficulty of finding suitable men to assist him in such work. Except for a few Dutch clergymen and the only English

1. 2. C. O. 54, 17, Letter of North to Secretary of State, 27 February 1805.

3. R. Lovett, *The History of the London Missionary Society*. London. 1899, p, 481.

4. Letter of North to Sec. L. M. S., 8 April 1805.

5. 6. C. O. 54, 17, Letter of North to Sec. of State 27 Feb. 1805.

7. The Madras administration of the maritime provinces of the Island lasted from February 1796 to October 1798. During these two years the administration of the maritime provinces was in the hands of the officers of the East India Company. They paid no attention to the progress of education and the school system of the Dutch which the country inherited was disorganised.

clergyman the Rev James Cordiner,¹ there was no one else whom North could employ for such work. On the arrival of the ministers of the London Missionary Society North found an opportunity to get their services. Mr. De Vos being a regularly ordained clergyman of the Dutch Church, was appointed the minister in charge of the church at Galle, and given the "ecclesiastical superintendence of the province of Galle and Matura."² Mr. Read who was younger and not in Holy Orders was appointed "a catechizer and assistant,"³ to Mr. De Vos. Both were paid by Government; the former 107 Rix-dollars a month and the latter about 82 Rix-dollars a month. De Vos having "urged the claim of not only being a missionary, but a regular clergyman of the Church of Holland,"⁴ was also allowed by North to officiate as the clergyman of the district.⁵ Mr. Ehrhardt was sent to Ambalangoda and Mr. Palm to Jaffna.⁶

The present investigation is an attempt to assess the extent to which the London Missionary Society took part in promoting education in the country, and for such work an understanding of the policy on which this mission pursued its activities become relevant. It is certain that one declared aim of the London Missionary Society was to promote education in places where its members worked. The following quotation taken from the rules and regulations which were laid down by the Directors of the Mission reveal this. "The instruction of the Heathen in the rudiments of learning as well as in the principles of Christianity, to be considered as an object to such great importance as to engage the attention of the whole or part of the missionaries as may be found expedient."⁷

The extract is self explanatory. It shows how much the Society recognized the importance of educating people under its influence. Yet in Ceylon, this particular mission could not achieve anything significant by such work. All educational work in which the ministers of the London Missionary Society were engaged in Ceylon comprised the assistance they gave to the

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1. Rev. James Cordiner was the Colonial Chaplain and the Principal of Schools. Stayed in Ceylon from 1798 to 1804. While in Ceylon Cordiner laboured with North to establish a school system for which he should be remembered as an important figure in the history of education in the country.
 2. 3. C. O. -4, 17, Letter of North to Sec. of State, 27 February 1805.
 4. 5. C. O 54, 26, Letter of Maitland to Sec. of State, 30 September 1807.
 6. R. Lovett, *op. cit.*, p. 20.
 7. C. O. 54, 17, enclosure to letter sent by North to Sec of State, 27 February 1805. These refer to the Rules and Regulations laid down by the Directors of the London Missionary Society.

government in superintending government schools. Other than such work the Mission did not engage in building up their own schools. This was a practise much in contrast to that of other missions in the country. Before any attempt is made to find out what factors caused the London Missionary Society to be unique in this respect it would be profitable to see the nature of educational work in which the missionaries engaged themselves.

As it was pointed out earlier, immediately after their arrival in the country the missionaries were sent to different parts of the Island, on the instructions of the governor. This was done for the purpose of employing the ministers of the London Mission to superintend government schools which by that time were coming up.¹ The parent society in London also agreed to such proposal of sending the ministers of the Mission to the different parts of the country. The report of the Society for 1811 describes in the following manner the benefits the Society hoped to derive by such a measure. "The Directors have written to their three ministers² Messrs. Palm, Ehrhardt and Read to the effect . . . that they should embrace the opportunity which now offers of prosecuting the work of the Mission, by going to such parts of the interior, as Governor in Council may be pleased to appoint; so that by a residence among the people they may be able more speedily to acquire the language, thereby the instruction particularly of the children . . . a foundation might be laid for raising Christian Churches among the native Cingalese."³

A good source of information on the activities of the Mission is the reports the missionaries sent to the parent Society in London. According to such reports, Mr. Palm who was in Jaffna superintended government schools in that part of the country, and in particular those at Tillipally.⁴ Besides looking after the government schools Mr. Palm had under his care some schools which were established by Colonel Molesworth (later Lord Molesworth), in the area for the benefit of the children of the soldiers at the garrison at Jaffna.⁵ The school for the soldiers' children had on its roll of students "a number of Hindoo Muslims and Portuguese children."⁶ While in Jaffna Mr. Palm acquired much of the Tamil language and as the report for 1807 observes he was able "to speak a little in it, particularly to the children

1. C. O. 54, 17, Letter of North to Sec. of State, 27 February 1805.

2. This letter refers to only three ministers, whereas four of them really arrived. As will soon become apparent, by the year 1811 the Society had lost the services of Mr. De Vos See below.

3. Report of the London Missionary Society for 1811.

4. 5. 6. Report of the London Missionary Society for 1813.

whom he chatechised." ¹ Yet Palm could not stay long in Jaffna and had to leave when he was appointed the clergyman to the Dutch congregation in Colombo in September 1812. The removal of Mr. Palm from Jaffna curtailed all educational work which had been carried out in the district, and it is not surprising to hear that Colonel Molesworth who took an interest in establishing schools lamented on the removal of Palm from Jaffna "where the schools under his care flourished." ²

Mr. Ehrhardt who "was appointed to visit the schools in the district of Matara and inquire into the character and conduct of school masters," ³ seems to have not attained much in his endeavours. While at Matara Mr. Ehrhardt attempted to establish schools of his own, but there is no evidence to show that he succeeded. In fact there is the indication that his attempts were a failure. His own remarks "from the establishment of a school I can expect nothing. I made a trial with a Cingalese ⁴ school but was obliged to give up." ⁵ After making such remarks he continued, "were I master of the English language I might perhaps better succeeded." ⁶ This indicates that unlike Mr. Palm, Mr. Ehrhardt was not competent in the native language of the area a probable factor which rendered him incompetent in such work. Mr. Ehrhardt continued to serve the government as superintendent until he left the Island after being appointed a missionary to the Dutch inhabitants of Cochin by the Madras government. ⁷

Mr. Read who assisted Mr. De Vos in Galle during the early days of the Mission, succeeded Mr. De Vos, as the superintendent of government schools when the latter was transferred to Colombo. ⁸ Besides superintending government schools in the Galle district, Mr. Read established a school at Ambalangoda and continued to teach there. According to a report of the Mission the schools in the district were in a deplorable state; but with Read's efforts they improved. ⁹ Mr. Read, according to the last report of the Society for Ceylon, continued to serve at Ambalangoda. This shows that

1. Report of the London Missionary Society for 1807.

2. Report of the London Missionary Society for 1814.

3. Report of the London Missionary Society for 1813.

4. Cingalese = Sinhalese.

5. Letter of Ehrhardt to Sec. London Missionary Society, 25 September 1808.

6. Ibid.

7. Report of the London Missionary Society for 1818.

8. De Vos moved to Colombo in 1807. See C. O. 54, 26, Letter of Maitland to Sec. of State 30 September 1807. 118.

9. C. O. 54, 26, Letter of Maitland to Sec. of State 30 September 1807.

even after the London Missionary Society lost its connections with Ceylon Mr. Read (as well as Mr. Palm) were in the service of Government.

As for Mr. De Vos who was stationed at Galle, his contributions to education in the area were meagre. Shortly after coming to reside at Galle, De Vos left for Colombo in 1807.¹ This perhaps was one reason why De Vos could not do much for education. Even in Colombo, having been "admitted as a member of the Dutch Consistory,"² De Vos "officiated as a regular clergyman"³ to the Dutch population there. Such work perhaps took a good portion of his time. The stay of De Vos in the country was short. Due to his involvement in some activities which made his position insecure,⁴ Maitland found it absolutely necessary to banish him from the country.⁵ Maitland's own words quoted below show that such action of Maitland was justifiable. "I felt myself under, of turning out of the Island a missionary of the name De Vos. It was done after the maturest consideration with the complete approbation and concurrence of the Judges and members of the Council."⁶ Thus within two years of the Mission's stay in the Island De Vos was banished, thereby reducing the strength of the Mission to three ministers.

These remarks about the activities of the missionaries of the London Society reveal two interesting points about that mission in Ceylon. In the first place, unlike the other missionary societies which established themselves in Ceylon at the time, the London Missionary Society could not get a firm

1. 2. 3. C. O. 54, 26, Letter of Maitland to Secretary of State 30 September 1807.

4. The incident is well explained in a letter which governor Maitland sent to the Secretary of State. Some extracts from the letter are given below ". . . It very soon however appeared that De Vos was a gentleman of a very different disposition and he very soon urged the claim of not only being a missionary but a regular Clergyman of the Church of Holland. To this claim Mr. North, my predecessor gave away and it appears that he accordingly officiated as a regular Clergyman for some time at Point de Galle. At this place he got involved with the regular Clergyman and shortly afterwards I arrived in the Island he came up to Colombo where he again officiated as a regular clergyman . . . Mr. De Vos had been marrying without obtaining the consent of parents and in instances where the regular clergymen had refused to marry . . . it appeared he had been occupying himself in creating a direct schism in the Dutch congregation, that he had established a chapel of his own, that he had established funds of his own and the very day he brought before the Council about fifty of his parishioners, the greatest vagabonds on the Island . . . It was absolutely necessary that he should be removed with a view to the Tranquility of the people, and to the due support of the regularly established Dutch Religion." *Vide*, C. O. 54, 26 Letter of Maitland to Sec. of State 30 September 1807.

5. 6. 54, 26, Letter of Maitland to Sec. of State, 30 September 1807.

foothold in the country. With all support from the government this mission turned out to be a failure. There is evidence to show that the failure of the mission in Ceylon was evident even as early as the very first few years of the Mission. For instance in the report of the mission for the year 1810, that is within five years of the arrival of the missionaries, it is recorded "we are much concerned to state that the missionary cause does not prosper in this Island."¹ Then again the report for 1816 observed "we rejoice to see that other societies have turned their attention to this interesting Island,"² which indicate that the London Missionary Society by that time had decided to curtail its connections with Ceylon. Secondly this society could not make any permanent contributions to the progress of education. This remains a significant shortcoming especially because all other missions that were established in Ceylon succeeded in establishing schools of their own. All of them collectively contributed to the building of a missionary school system which remained independent of the state system till recently.

The employment of the ministers of the Mission under the government can be regarded as the primary cause for the failure of the Mission. Being remunerated by government, their work was limited to the superintendence of government schools. The initiative to start schools of their own was lost and ipse facto the missionaries were deprived of the opportunity of working together as a unit for the benefit of a particular body. The parent Society is partly to be blamed for not taking steps to persuade its ministers to work on their own and for not having some supervision of their work as was practised by other Societies of the time. Instead of safeguarding the interests of the Mission in Ceylon the Parent Society decided to continue to support the missionaries,³ and tried to make them self supporting with the salaries they earned by employment under the government. With such action the missionaries "lost their connection" with the parent Society.⁴ Besides these no further additions to the personnel to the Mission were sent, and the Society's interest in Ceylon gradually disappeared. Consequently in the course of time, Ceylon no longer appeared on the list of stations which belonged to the London Missionary Society.⁵ Lovett who attributes the failure of the Mission in Ceylon to the employment of its ministers under government has

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1. Report of the London Missionary Society for 1810.
 2. Report of the London Missionary Society for 1816.
 3. Report of the London Missionary Society for 1818. This is the report in which the Ceylon Mission is referred to for the last time.
 4. Rev. C. N. V. Fernando "Christian Missionary enterprise in the Early British period" *Ceylon University Review*, vol. VII, p. 208.
 5. R. Lovett, *op. cit.*, vol. i, p. 21.

made the following remarks which clearly illustrate and support the same view. "The Mission became an early example of the unsatisfactory result during the first twenty five years of the Society's history, of attempting too soon to make missions self supporting."¹

From the foregoing account it becomes apparent that the London Missionary Society in Ceylon had a comparatively short existence in Ceylon. Their contribution to education in the country was not great. Yet the fact that they arrived at the most crucial time in the Island's history of education when the government was taking steps to reorganize education in the country, and that these missionaries helped the government by working for the government made the London Missionary Society memorable in the history of education in the country.

1. *Ibid*, p, 21.

THE DEATH PENALTY IN CEYLON

C. H. S. JAYAWARDENE

I. INCIDENCE OF THE DEATH PENALTY

In the second century B.C., historical records tell us, King Elara (145-101 B.C.) had ordered his son, who while driving a chariot had killed a calf, to be killed in the self same way.¹ Whether the execution took place or not is a matter of conjecture. The report is designed more to depict the king's sense of justice than to preserve for posterity a factual record of an unfortunate incident. Still, it serves to show that the penalty of death was a recognised form of punishment at this time. Though there are no earlier records of the imposition of the death penalty it is obvious that it was a punishment inflicted on malcreants in Ceylon in even still earlier times. King Pandukabhaya (377-307 B.C.) who planned the city of Anuradhapura, included in his plans an execution ground.² The notion that evil could be eradicated with the extermination of the evildoer is perhaps as old as civilisation itself. Consequently, it is not surprising that the penalty of death was inflicted from almost the very inception of society in Ceylon. Furthermore, the malcreant Prince Vijaya (543 B.C.) to whom is attributed the organisation of Ceylonese society, brought with him the heritage of an already flourishing civilisation³ where a rigid code of laws⁴ recognised the death penalty.

Before the dawn of the Christian era, the penalty of death was recognised in Ceylon as being a very severe punishment that should be inflicted only after careful consideration and deliberation. Administrators of justice were not empowered to impose it. Its imposition was a jealously guarded prerogative of the King who alone had power to pass the sentence of death, and that too not until the punishment was declared fair and just by a body of elders.⁵ Pliny the Elder, the Greek historian, describes the then existing system. "The King . . . hath thirtie other governours assigned unto him

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1. *Mahavamsa or the Great Chronicle of Ceylon*. Trans. Wilhelm Geiger. (Colombo : The Ceylon Government Information Department. 1950) p. 143.
 2. *Mahavamsa*, p. 74.
 3. Sir Alexander Johnston. *Ceylon Native Laws and Customs*. Vol. 2. London. Public Record Office. Colonial Office Series. 54/124.
 4. The Laws of Manu and the *Dharmasutra*.
 5. Pliny the Elder. *Natural History*. A.D. 69. Trans. Philemon Holland. 1601. Sixth Book Ch. 22. "The Island Tabrobane."

by the people : neither can any person be condemned to death unless he be cast by the more part of them and pluralitie of voices : and thus condemned as he is yet he may appeal unto the people. Then there are seventy judges deputed to sit upon his cause . . .”¹

From the second century onwards, when peace and prosperity were converted into confusion and chaos by internecine warfare consequent to a series of invasions from India,² the King appears to have taken upon himself the responsibility of imposing the penalty of death without prior sanction of the elders. During this period the King's power was considerably undermined and “though constitutionally the King was an absolute ruler, local chiefs had great authority and often assumed more power than they were entitled to.”³ Nevertheless, the power to impose the penalty of death remained the prerogative of the King.⁴ All cases where a capital offence had been committed were referred to him for judgement. When the accused was found guilty the King sentenced the man to death with the fateful words *ōka tallu karala dāpiya*⁵ (“push this fellow out of the way”)—a sentence from which he had no appeal.

The frequency with which the death penalty is reputed to have been inflicted in the last days of the Kandyan Kingdom has led to the portrayal of the Sinhalese Kings as absolute tyrants who, having no regard for the lives of the people whom they ruled, inflicted the penalty of death according to their whims and fancies.⁶ King Sri Wickrama Rājasingha, (1798—1815 A.D.) when accused of barbarity and savagery, pointed out however that King's ruled the country not according to their likes and dislikes but according to existing laws and customs.⁷ The Sinhalese constitution recognised the fact that custom was stronger than the King, and kings have been subjected to fines for violation of these customs.⁸ Knox points out “they have certain

1. *ibid.*

2. G. C. Mendis. *The Early History of Ceylon*. (Calcutta: Y. M. C. A. Publishing Co. 1946) pp. 63—82.

3. Sir Charles Collins *Public Administration in Ceylon*. (London: Royal Institute of International Affairs. 1951). p. 4.

4. Robert Knox. *An Historical Relation of Ceylon*. (London: Robert Chiswell. 1681). p. 50.

P. E. P. Deraniyagala. Some Medaeval Representations of Sinhala Wrestlers and Gladiators. *Journal of the Ceylon Branch of the Royal Asiatic Society*. 35 (1940) 85—90.

o Robert Knox. *Op. Cit.* p. 39.

7. William Granville. Deportation of Sri Vikrama Rajasinha. *Ceylon Literary Register* 3 (New Series) (1934) 543.

8. P. E. Pieris. *Ceylon. The Portuguese Era*. (Colombo: The Colombo Apothecaries Co. 1913).

ancient usages and customs that do prevail and are observed as laws; and leading them in their courts and before their governours will go a great way" ¹ Yet the King, though bound by "ancient customs and standards of justice, which is the law of mankind and of the rules of the Dharma, which is religion," ² was enjoined "to mete punishment to the guilty in proportion to their offences" ³ Custom did not demand the invariable infliction of the maximum prescribed penalty: it left it to the discretion of the King to be mercifully mild or justly brutal. At a time when mighty foreign powers, desirous of deposing the King, were fostering revolt in his kingdom, it may not have been expedient to be merciful.

In most countries the power to inflict the death penalty was vested in one person—the ruler of the kingdom. Until the middle of the eighteenth century, when the chaos that prevailed in the middle ages was gradually disappearing, this procedure continued. Rulers of kingdoms had absolute power and on occasion imposed the penalty of death arbitrarily. The jury system could be considered to have existed in Ceylon in the very earliest times when a body of elders were summoned to judge the propriety of the King's decision to inflict the death penalty. ⁴

Under the Portuguese (1505—1650 A.D.) all serious offences were reported to the Chief Authority, who alone had the power to punish. ⁵ But this was observed only in the breach. Dissawas, Mudaliyars and even petty village chiefs who were given jurisdiction in certain cases heard all complaints and imposed even the penalty of death, which was immediately carried out. Any protest was of no avail, for the Portuguese, concerned more with the accumulation of wealth than the administration of justice, had scant regard for native lives, heathen or catholic. ⁶ Ribeiro describes the *de facto* system: "the *disaves* had within their respective jurisdictions authority to cut open with an axe or to impale natives. They could also hang a Portuguese on any tree without any process of the law or legal formality and by merely saying

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1. Robert Knox. *Op. Cit.* p. 101.
 2. Kandyan Customs . . . Being answers given to Governor Falk by an assembly of Kandyan Buddhist Priests and dated 12 August 1769.
 3. *ibid.* See also E. A. Abayasekera. "Advice to a King." A translation of certain stanzas of Kavyashekeraya by Totagamuve Sri Rahula. *Ceylon Literary Register*. IV (New Series) (1935) 14—16.
 4. It was not until 1810, that the jury system in the form that it exists today was introduced by the British (Charter of 9 August 1810).
 5. P. E. Pieris, *Ceylon. The Portuguese Era, op. cit.*, Vol. 2, p. 65.
 6. *ibid.*, p. 307.

‘Do this’ their orders were immediately executed and they rendered no account to any one but God.”¹

In the legal system of the Dutch (1650—1796 A.D.) capital crimes were tried in the Raad van Justitie in Colombo, Jaffna or Galle.² The court comprised seven jurors—government officials in the main—who had little or no legal training.³ On occasions, however, expediency and perhaps convenience demanded that the court be composed of fewer jurors. Rycloff van Goens, the Dutch overlord in India, appalled by the fact that capital offences were tried by as few as four jurors and the death penalty imposed in some such instances, instructed the then Governor of Ceylon that the death penalty should not be passed except on the unanimous verdict of seven jurors.⁴

The British when they became rulers of the maritime provinces of Ceylon, invested the power to sentence a man to death in the Governor, as representative of the British monarch.⁵ An accredited Agent was required to be present at capital trials heard by the Dutch Prisoners of war. On his report the Governor issued a warrant imposing the penalty of death on the convict.⁶ In 1802 with the establishment of the Supreme Court of Judicature the system changed. Judges, who were British lawyers, were empowered to sentence a man to death but the actual imposition of the punishment did not take place until the governor had given his sanction.⁷

II. FORMS OF EXECUTION

Various forms of execution have been used in different countries and at different times. In Ceylon too a variety of methods of execution have been used, depending at times on the prestige of the individual executed, at times on the atrocity of the crime and at still other times on the prevailing social conditions. The earliest account of the imposition of the death penalty in Ceylon tells us that the condemned man had his head severed (*vide supra*).

1. P. E. Pieris, *op. cit.*, Vol. 2, p. 84.
2. Sir Ivor Jennings and H. W. Tambiah. *The Dominion of Ceylon* (London: Stevens & Sons, 1952) p. 106.
3. P. E. Pieris. *Ceylon and the Hollanders* (Colombo: Ceylon Apothecaries Co., 1918) p. 38.
4. Rycloff van Goens. *Instructions from the Governor General and Council of India to the Governor of Ceylon, 1650—1665*. Trans. Sophia Pieters (Colombo: The Ceylon Government Press, 1910).
5. P. E. Pieris. *Sinhala and the Patriots* (Colombo: The Colombo Apothecaries Co. 1950) p. 18.
6. *ibid.*
7. J. C. W. Perera. *The Laws of Ceylon*. (Colombo: The Ceylon Government Printer 1913) p. 69.

Though King Elara used this form on this particular occasion and is reputed to have made a similar order on another occasion, (vide infra), it does not appear to have been a very popular method. In the very earliest times we are told that the execution of the criminal in Ceylon took a very rapid and painless form. Diodorus Siculus points out "the country produced a plant, on which he who fell asleep expired without a struggle or a sigh."¹ Pliny, however, would have us believe that the method of execution in Ceylon was akin to that existing in Greece. The condemned man was compelled to consume a deadly poison.² Knox, much later, alludes to the existence of a plant with "so strong a venom that no creature will eat or touch . . . It is called *Neingala*, a sprig that springs out of the ground almost like a honey suckle, but not so big and bears a curious flower much like a honey suckle."³ He does not say whether it was used for execution. Its main use appears to have been as an aid to creditors to obtain repayment of their loans, for "this is the leaf that people sometimes carry with them when they go to demand their debts and threaten their debtors they will poison themselves before them unless they will pay."⁴

The use of animals as executioners appears to have been quite common in Ceylon. Pliny contends that when Kings violated the existing laws and customs they were put to death. "Howbeit no man taketh in hand to do the execution. All men turn their faces away from him, and deigne him not a looke or a word. But to do him to death in the end they appoint a solemn day of hunting right pleasant and agreable unto Tygers and Elephants before which beasts they expose their king and so he is presently devoured."⁵ The elephant was also used as an executioner of the commoner. Knox, describing the situation that existed in the reign of King Rājasingha⁶ says that the execution ground was strewn with bodies of men who were killed by elephants.⁷ Herport says that the execution is "most time done by elephants which are trained thereto and know to punish the criminal, little or much as he deserved."⁸ Several descriptions as to what the elephant

1 Sir Emerson Tennent. *Ceylon*. (London: Longman, Green, Longman and Robert. 1859)

2. Pliny the Elder. *Op. cit.*

3. Knox. *Op. cit.* p. 104.

4. *ibid.*

5. Pliny the Elder. *Op. cit.*

6 1635—1687 A. D.

7. Knox. *op. cit.* p. 40

8. Albrecht Herport. "A Short Description of a Nine Year East India Journey"
Trans. in Raven Hart *Germans in Dutch Ceylon*. (Colombo: Colombo Museums. 1948).

exactly did exist. Some contend that "they had a sharp iron with a socket with three edges which was put on the tusks . . . These the elephant ran through the body and then tore it in pieces throwing it limb from limb."¹ Others contend that the elephant threw the man into the air and then trampled him under foot.² After the execution, judging from Knox's description the bodies appear to have been left on the execution ground either to rot or to be devoured by beasts. In the later times however, their bodies were exposed or hung in chains.³ The Portuguese did not use the elephant but they used to throw the convicted men from the bridge of Malvana so that people might see them fall into the mouths of fierce alligators. Manoel de Faria e Souza says, "and these were so accustomed to this carnage that at the first whistle or signal for throwing these unfortunate men condemned to such a barbarous torment their heads were promptly seen above the water opening the trap doors of their terrible mouths."⁴

Another form of execution was to impale the victim. "A stake covered with iron was thrust through the body from below upwards and so transfixed, he is set on a high hill and must end his life there."⁵ The pole thrust from below was made to come out through the victim's head.⁶ Impaling alive was the form of execution reserved for treason. Pilamatalawa and other Kandyan Chiefs who were banished by the British to Mauritius point out "a law was also in existence by which it was decreed that when a King demanded the assistance of his Chieftains, who held their land by Feudal Terme, and they appeared remiss in their exertions or traitorous in their intentions that . . . the unfortunate man was doomed to expire by the most horrible and lingering of deaths (impaling alive)."⁷ King Parakrama Bahu I (1153—1186 A. D.) had his foes whom he had taken alive, impaled in the villages and market towns.⁸ Knox states that in the execution ground in

1. Charles Pridham. *Ceylon and its Dependencies*. (London: T and W Boone. 1849) Vol. 2. p. 218.
2. Albrecht Herport. *op. cit.*
3. Henry Marshall. *Description and Conquest of Ceylon*. (London: H. Allen & Co. 1846)
4. Fernao de Queyroz. *The Temporal and Spiritual Conquest of the Island of Ceylon*. Trans. Father S. G. Perera. (Colombo: R. C. Richards. Acting Government Printer. 1930) p. 1005.
5. Albrecht Herport. *op. cit.*
6. Fernao de Queyroz. *op. cit.* p. 96.
7. Pilamatalawa, Madamagoda and others banished to Mauritius. Petition to the Prince Regent. Enclosure to Governor Barnes' Despatch 28 of 18 August 1820. Colonial Office. 54/77.
8. *Culavamsa*. Trans. Wilhelm Geiger. (Colombo: Ceylon Government Information Department. 1953) Vol. I. p. 341.

Kandy "there are always some sticking on poles."¹ Though it is possible that the number of persons condemned to death by impaling was increased in the latter days of the Kandyan Kingdom, characterised as the period was by political unrest, it is unlikely that all the persons "whose bodies were on poles," were so condemned to die. After execution corpses were often exposed on a *ula*—a pointed stake. King Jetthatissa (315—325 A.D.), enraged that some ministers had refused to join in his father's funeral rites, ordered them to be slain. Their bodies were impaled on stakes around his father's pyre.² The Portuguese also utilised this method of execution in Ceylon. It was, it must be remembered, a common method of execution in Europe at the time the Portuguese were in Ceylon. Heretics and witches were so done to death. De Couto gives the account of an unfortunate man arrested by the Portuguese on the charge of being a sorcerer. Under torture he confessed to his crime and was impaled.³

Stabbing was the form of execution used by the Ceylonese for common criminals. "The convicted person was stretched out on the ground with his face downwards and stabbed with a hella (spear)."⁴ According to the material collected by Sir Archibald Lawrie it appears that stabbing was the form of execution reserved for murderers. In a case in Kandy⁵ the assessors whose duty it was to inform the British judge of the existing laws and customs, cited the case of a painter who had killed another painter. On being found guilty the accused was put to death with spears.⁶ On some occasions the convict was cut to death. Thus in December 1812 Mampitiye Loku Bandara the natural son of King Kirti Sri, was cut to pieces for alleged treason.⁷ D'Oyly has recorded one other instance "Puswelle," he says in a letter to Governor Brownrigg, "is said to have been treacherously seduced to Kandy by the promise of the office of Adigar and the King's increased favour but was cruelly cut to pieces."⁸ On occasions the Portuguese too used this method. They however varied it to make it appear as brutal as

1. Knox. *op. cit.* p. 40.

2. *Mahavamsa op. cit.* p. p. 265

3. De Couto. *Da Asia de Jaoa da Barros e de Diogo de Nova Edicao.* 24 vols. Lisboa. 1778. Vol. 10. p. 109.

4. P. E. Pieris. *op. cit.*

5. 11th July 1817.

6. W. Ivor Jennings. Note on the Kandyan Law collected by Sir Archibald C. Lawrie. L.I.D. *University of Ceylon Review.* X (1952) 185—220.

7. *The Diary of Mr. John D'Oyly.* (Colombo. Royal Asiatic Society. (Ceylon 1913). p. v.

8. D'Oyly to Brownrigg. Dated Sitawaka May 23rd 1814. Colonial Office 54 / 52.

possible. Gasper de Figueria "would hang up people by their heels and split them down the middle."¹

When a man of rank was executed he was decapitated while seated on the ground.² Losing one's head was considered the most honourable mode of receiving capital punishment. Depending on the rank that the man held, he was done to death with a single stroke of the sword, or by several. The execution of Kappitipola and Madugalle by the British, who allowed the appeal of the two condemned men to be permitted to die in the "traditional manner," gives us an idea of how exactly the task was performed. The two chiefs, we are told, were led to the execution ground where the whole garrison was drawn up under arms. Water was brought and each washed his hands and face. Kappitipola tied his hair in a knot and sat on the ground by a small bush. He was not blindfolded nor was a block used to support his head, for when a chief faced death ordered by the King, he did so with open eyes and an erect head. He then commenced to read the *Nava Guna Parha*³ when the *Gahalaya*—the executioner—struck him on the back of his neck with the sword. Kappitipola was entitled to die with one stroke and the British had granted him that privilege, but the executioner showed himself lacking in dexterity and a second stroke was needed. Similarly, Madugalle was done to death. Though he had earnestly urged his executioners that he should be despatched with one blow, a second was necessary to end his life.⁴

A special method was also reserved for the few women who were condemned to death. They were drowned.⁵ There have however, been instances when women were executed by other means. A woman, who during the reign of Sri Wickrama Rājasingha, was adjudged guilty of eighty murders—because that number of skeletons were found in her well—was sentenced to death. She was not drowned but dragged through the city streets, until every bit of flesh had come off her bones.⁶

The most horrifying description of the infliction of the death penalty is the description of the massacre of the family of Ehelapola, an Adigar under

1. P. E. Pieris. *Tri Sinhala*. (Colombo: The Colombo Apothecaries Co. Ltd. 1945) p. 87

2. Marshall. *op. cit.*

3. The nine attributes of the Buddha.

4. P. E. Pieris. *Sinhala and the Patriots*. *op. cit.*

5. Pridham. *op. cit.*

6. W. Ivor Jennings. *op. cit.*

King Sri Wickrama Rājasingha, who had fled to the British and according to existing custom exposed his entire family to total annihilation. His children were beheaded and their heads put into a mortar. The mother was then made to pound the heads with a pestle. She was finally drowned in the lake.¹ Ceylon history records no other similar incident by the Ceylonese.² If this incident did occur, it is likely that the King was merely imitating the Portuguese and the Dutch. Manoel de Faria e Souza narrates that Jeronimo de Azavedo "forced the mothers to throw their children into mortars and to pound them like spicery with pestles, without being moved to compassion by the cries and mournings of the children at each blow or pitying the mothers forced to be the terrible executioners of their own children".³ Siman Kure Rāla, a lesser chief in the Portuguese hierarchy is also said to have had recourse to similar behaviour. Knox states "he would make women beat their own children in their own mortars wherein they used to beat their corn"⁴ At the siege of Colombo in 1656, an eye witness states, in order to prevent the exodus of famished non-combatants from the beleaguered city, "when a woman came and brought small children we forced her to put child into a wooden mortar and to pound it to death with the pounder and then to go away with the dead child."⁵

Rājasingha II, was perhaps the cruellest of Sinhalese kings. Knox says "he seems to be naturally disposed to cruelty . . . His cruelty appears both in the tortures and painful deaths he inflicts and in the extent of his punishments"⁶ The Sinhalese on the other hand have thought that the Europeans were excessively cruel. Their reputation for cruelty can be gauged by the fact that in 1664 when King Rājasingha II wished to inflict the utmost possible punishment on one of his ministers he sent him to Colombo to the Dutch to be executed, thinking that the Dutch like the Portuguese were ingenious in the invention of tortures.⁷ That the Portuguese and the Dutch were excessively cruel judged by local standards is a historical fact. The harrowing atrocities that the Portuguese committed are described in nauseating detail by

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1. *Diary of John D'Oyly, op. cit., p. viii.*
 2. P. E. Pieris. *Tri Sinhala* (Colombo: The Colombo Apothecaries Co., 1954) p. 105. In Appendix J, the author concludes that the above description was exaggerated and designed to paint the last king as a villain, so as to satisfy an agitating British public.
 3. Fernao de Queyroz, *op. cit., p. 1005.*
 4. Knox, *op. cit., p. 177.*
 5. Johann Jacob Saar. "Account of Ceylon." trans. Ph. Freudenberg *J. Ceylon Branch Royal Asiatic Society*, 11 (1889)
 6. Knox, *op. cit., p. 40*
 7. Tennent, *op. cit.* Vol. 2, p. 29

Portuguese writers themselves. Descriptions of Dutch atrocities by Dutch authors is limited to cases where the victim was a Roman Catholic. But that their actions were no less brutal than those of the Portuguese is revealed by Governor Falk's proclamation of 1st July 1773 claiming that the punishment of death "will be carried into execution either with sword, cord, wheel or fire." In practice, the Dutch in Ceylon only stopped short of the barbarity of the stake.¹

The Europeans introduced new forms of execution into Ceylon. Some of these were forms that then existed in the countries they came from. Others were obsolete methods which perhaps the Europeans considered worthwhile reintroducing, in order to instil fear in the hearts of the people. For example, crucifixion as a means of execution, though popular once, was discontinued in the time of Constantine.² The Dutch made an attempt to introduce this form of punishment. When a conspiracy was discovered in Jaffna fourteen of the ring leaders were sentenced to death. They were stretched out on a wooden cross laid on the ground. The cross piece however was not raised with its human burden on it, as was the custom in crucifixion. Instead, to make the punishment appear as horrible as possible, the men, "after being stabbed in the neck and the breast, were disembowelled: their hearts were then taken out and laid on their mouths, after which their heads were cut off and exposed in the market place."³ Disembowellment was not a practice that was common in Ceylon. It was introduced by the Dutch and discontinued after they departed. It was the form of execution adopted in Europe for treason. Petrus Vuyst who was Governor of the Dutch Company's settlement in Ceylon and whose brutality in Ceylon was so great as to arouse the indignation of the Dutch themselves was removed from his post tried and convicted of *Crimen Lassa Majestatis*.⁴ The eye witness description of the execution tells us that the ex-Governor was led from the prison "amidst a large concourse of spectators by the minions of justice to the place of execution." After prayers were said the executioner stripped him naked and with three or four blows cut off the head. The corpse was then cut up by the executioner "who tore out the entrails and threw them down into the bucket, which was expressly for this purpose." The body was then chopped into four pieces and thrown into the fire.⁵

1. P. E. Pieris. *Sinhala and the Patriots*. *op. cit.*

2. *Cambridge Mediaeval History* (Cambridge: University Press 1911) Vol. I Ch. 1

3. P. E. Pieris. *Ceylon and Hollanders*. *op. cit.* p. 1

4. July 1732

5. P. E. Pieris. *Sinhala and the Patriots*. *op. cit.* p. 562

Another form of execution introduced by the Dutch was "Breaking on the Wheel." When the English took Colombo in 1796 they found a rack and a wheel which were used to punish criminals.¹ The English never used the rack or the wheel and to ensure that it would not be used by any overenthusiastic judge or governor abolished this mode of punishment by Proclamation of 23rd September 1799.² Wolf in his account of his residence in Ceylon says that criminals "were not broken on the wheel by the Dutch as in Germany, but instead of that the practise was to break their thighs with an iron club."³ Rabraken gives an eye witness description of such a punishment. In this case the wheel was not used but instead, a horizontal cross made of thick beams. The limbs were tied onto the cross and "with a thick iron resembling in shape and size a common rice pounder every joint in the body was broken, beginning at the extremities and proceeding joint by joint up to the trunk, and a blow on the stomach completed the work."⁴ The rack was also used by the Dutch. It was, however, less generally resorted to being used mainly as a form of final torture to extract confessions. "The head and legs move slowly in opposite directions, thereby stretching the man until he snaps."⁵ Quartering was also resorted to by the Dutch. The method of quartering adopted by them varied from the form it took in Europe. Horses were not tied to the four limbs and driven so as to wrench the four limbs from the body. Instead, the executioner cut off the limbs with an axe.⁶ King Sri Wickrama Rājasingha is reputed to have used a method akin to quartering. It appears that the King occasionally travelled the country in the form of a mendicant to see what his people had to say about him. A child who saw the king coming had cried "Mama, there's a juggler." The enraged King, after his return to the palace, had got the child down and having satisfied himself that the child was able to distinguish between good and evil, had ordered his execution. "Two high arecanut trees were firmly planted on the ground at such a distance from each other that only their tops could with difficulty be brought together. They were tied together and the child to the trees. The ligature was cut and the trees returned to their position tearing the child into two."⁷

1. Robert Percival: *An Account of the Island of Ceylon*. (London: C. & R. Balwin 1903). p. 124
2. P. E. Pieris. *op. cit.* p. 17
3. John Christopher Wolf: *Life and Adventures*. (London: Robinson 1875) p. 572.
4. C. A. Lorensz. "Demonology and Superstition in Ceylon." *Ceylon Literary Register*. IV (3rd Series) (1935) pp. 132—140.
5. *ibid.*
6. P. E. Pieris. *op. cit.* p. 37
7. J. A., "Three Traditional Tales." *Ceylon Literary Review* IV (New Series) 1935, pp. 224—232

The Dutch apparently burnt criminals alive. Governor Falk's proclamation declares so. But burning as a means of execution was used in Ceylon mainly by the Sinhalese Kings in the 11th and 12th centuries. It was a recognised form of punishment according to the ancient Hindu law, which was accepted in Ceylon at that time, for those found "guilty of instigating enemies against the King or of creating dissatisfaction within the strongholds of his army"¹ Vijaya Bahu I (1059—1114 A.D.) for example, "had those who murdered the generals, their hands bound fast to their backs, chained to the stake and burnt amidst the flames blazing around them."²

Hanging was not a common form of execution among the Ceylonese, though today it is the only form used in Ceylon. Among the Sinhalese, to hang even a corpse of an executed prisoner was a stamp of degradation on the offender.³ The British, when they became rulers of the island, declared that all executions were to take place by what they considered the most humane form—hanging.⁴ A detailed description of one of the earliest hangings, perhaps the first under the British is given by Armour. A gibbet was erected on a rising ground a few miles from the village of Sirimalwatta. The prisoners, four Malay men, Mera Lebbe, Sameydeen, Saban, and Wahip, were led from the prison to the execution ground to the accompaniment of prayers. Near the gallows, the *rakavalas* bound their hands. They were then made to climb the gallows and the rope put round their neck. One prisoner, Saban, as if impatient of the delay, put on the halter himself, while another Sameydeen, as there was a delay in the letting down of the platform, lifted himself from the boards and crouching his body remained suspended.⁵ In introducing hanging as the only means of execution the British encountered considerable opposition. Chiefs, who did not feel themselves secure, because of the British efforts to consolidate their position in the country, opposed the new form of execution: if they had to die they wished to die honourably. Their opposition, however, was soon assuaged by the British declaration that chiefs if condemned to death would be given the privilege of losing their heads.⁶ The fact that this method should be used for women too evoked

1. Kautiliya's *Arthashastra*. Trans. R. Sharmasastry (Mysore: Sri Raguever Press, 1956) p. 277

2. *Culavamsa*, Vol. 1, p. 218.

3. P. E. Pieris *op. cit.* p. 316

4. Proclamation of 23rd September 1799

5. P. E. Pieris. *op. cit.*

6. *ibid.* p. 316

considerable dissatisfaction. The idea of hanging a woman was revolting to the Ceylonese.¹

However, the opposition was of no avail and hanging was established and accepted as the only means of inflicting the death penalty. The early executions were enacted in public, presumably to serve as a deterrent. Indeed, in the early nineteenth century, English executions near Newgate attracted vast crowds.² But in Ceylon at that time, a contemporary writer observed that "when executions took place in the vicinity of Kandy, whether of indigenous or Malay delinquents, scarcely an inhabitant repaired to the spot to witness the scene, while, perhaps not a European wife of a soldier in the garrison was absent."³ In the present century hangings were no longer in public. A former British civil servant has left a record of executions in Kandy fifty years ago :

In Kandy executions took place in the Bogambara Prison in the early morning before breakfast . . . The procedure was that I first went to the condemned man's cell, read over to him the warrant of execution, and asked him whether he had anything to say . . . I think that all the men I saw hanged were Buddhists and were accompanied to the gallows by a priest. After I read the warrant the condemned man was led out of the cell, clothed in white, on his head a curious white hat which at the last moment was drawn down to hide his face . . . The man was led up on the scaffold by the warders, his arms were pinioned, and the hat drawn over his face . . . On the steps of the gallows the priest stood praying. In two out of the six or seven hangings which I had to certify something went wrong. In one case the man appeared not to die immediately; the body went on twitching violently and the executioner went and pulled on the legs. In the other case four men had to hang one morning and they were hanged two by two. The first two were hanged correctly, but either they gave one of the second too big a drop or something else went wrong for his head was practically torn from his body and a great jet of blood spurted up three or four feet, covering the gallows and the priest praying on the steps.⁴

III. THE CAPITAL CRIMES

The crimes for which death was the punishment have varied from time to time. These crimes are generally outlined in the penal code of a country. Though there is reference to law books and to records of judicial proceedings kept in the palace to prevent a miscarriage of justice,⁵ the consensus of opinion today is that in the time of the Sinhalese kings, even as late as the beginning of the nineteenth century, there existed no laws in

1. *ibid.*

2. L. Radzinowicz. *A History of English Criminal Law* (London: Stevens & Co., 1948 Vol. I, p. 204)

3. Henry Marshall, *op. cit.*, p. 17

4. Leonard Woolf. *Growing. An Autobiography of the years 1904—1911* (London: The Hogarth Press, 1961, pp. 166—168)

5. *Culavamsa op. cit.* Vol. I. p. 120.

the sense that they exist today. Knox tells us "Here are no laws, but the will of the King and whatsoever proceedeth out of his mouth is an immutable law,"¹ but hastens to add that "they have certain ancient usages and customs that do prevail and are used as laws."² The *Nitinighanduwa*³ explains that "the laws of the country were unwritten because the King and the ministers of Lanka, from the fact that they were from time immemorial descendants of the same family and from the intimate acquaintance of the national character and habits were well experienced in traditional law and knew what was legal and what was not." Mendis however contends that Kings in Ceylon followed the Laws of Manu⁴ Existing records indicate that though the power of life and death invested in the King could have been used indiscriminately, there was some sort of system or pattern that was followed in condemning men to death. From the very earliest times it is reputed that the death penalty was inflicted on those who committed the Maha Savadda—the five most heinous crimes. What these crimes were it is difficult to ascertain. According to the Buddhist doctrines these crimes were: (a) patricide (b) matricide (c) killing of a saint (d) causing bodily hurt to the Buddha or place of worship (e) causing schism in the Sangha. According to the Hindu Law books they were: (a) killing a Brahma (b) drinking intoxicating liquors (c) theft (d) committing adultery with the wife of a spiritual leader (e) associating with one guilty of these.⁵

Historical records seem to indicate that murder in general and not particularly patricide, matricide, killing a saint or killing a Brahma was punished with death. There exist no records of murder in very early times but there are records of incidence of murder and the infliction of the death penalty for the crime in later times. The earliest recorded instance of the infliction of death penalty for murder is in the reign of King Vijaya Bahu I (1059—1114 A.D.) when those who murdered a general were burnt alive.⁶ Under the Sinhalese Kings death was not the immutable nor the invariable punishment for murder. Women, we are told, were not sentenced to death

1. Knox. *op. cit.* p. 101

2. *ibid*

3. *Nitinighanduwa or the Vocabulary of Law as it existed in the days of the Kandyan Kingdom.* trans. C. J. R. Le Mesurier and T. B. Panabokke,

4. G. C. Mendis. *op. cit.* p. 10

5. S. Paranavitarana "Kaludiya Pokuna Inscriptions." *Epigraphia Zeylanica.* Vol. 3. (1933) Foot note on page 267.

6. *Culavamsa op. cit.* Vol. I, p. 218.

for murder,¹ unless they were found guilty of multiple murder.² Further, murderers could have escaped punishment by seeking sanctuary in special villages, and in the sixteenth century murderers could have avoided the death penalty by the payment of a *vandi*. Fernao de Queyroz says "he who is guilty of murder and has no money will infallibly be put to death, but if he happens to have 50 larins, he gives that to the injured party or if there be none to the judge who is bound to accept them and he is free from guilt or punishment."³ The story is also related how King Parakrama Bahu (circa A.D. 1518) had ordered payment of 50 larins from the treasury to the heirs of an executed murderer "so that the law established by his ancestors may remain inviolate."⁴ In this case it appears that the heirs of the executed man had demanded justice from the executioner. The king held that the executioner was only the agent and that the principal should be held responsible for the act and ordered the payment. Under the Dutch, death was "the immutable punishment for murder."⁵ Today, the penalty of death is the mandatory penalty for murder.⁶ The punishment can, however, be committed to a lesser one by the Governor-General.⁷ In addition, children under sixteen years of age⁸ and pregnant women⁹ cannot be sentenced to death.

The Sinhalese demanded the death penalty not only for the killing of a human being but also for the killing of an animal.¹⁰ King Elara ordered his son to be executed for such an offence. (vide supra), King Kasyappa III (722—728 A.D.) we are told effectually prohibited the destruction of animal life, while King Mahinda IV (964—980 A.D.) enacted that "those who slaughtered buffaloes, oxen and goats shall be punished with death." Ma Huan tells us that the Ceylonese did not eat "cow's flesh." "When a cow dies," he says, "they bury it. It is a capital offence for any one to secretly kill a

1. W. Ivor Jennings. *op. cit.*

2. *ibid.*

3. Fernao de Queyroz *op. cit.* p. 96

4. P. E. Pieris. *Ceylon. The Portuguese Era. op. cit.* Vol. II p. 50

5. P. E. Pieris *op. cit.* p. 316

6. *Ceylon Penal Code* Section 296

7. *Criminal Procedure Code* Section 309

8. *Ceylon Penal Code* Section 53

9. *ibid.* Section 54

10. John M. Seneviratna. "Protection of Animal Life in Ancient Times of Ceylon." *Ceylon Literary Register*. IV (New Series) (1935) pp. 175—185

cow.”¹ The law prohibiting the slaughter of cattle was apparently first enacted in Ceylon by King Bhatika Abhaya (36—66 A.D.) who not only prohibited the slaughter of cattle but also made the eating of beef a crime punishable with a fine.² The prohibition of the slaughter of cattle was not a law peculiar to Ceylon. Under the Moslem Jehangir, the slaughter of oxen and cows was forbidden on pain of death. It may be that this law was maintained to please the Hindu population but the more probable explanation is that “they have to work . . . doing everything that is done by the horse in Holland”³ Only the slaughter of cattle appears to have been a capital offence. For the slaughter of elephants, which was considered a grave crime, as the elephant was the property of the King, the punishment was not death but whipping through the streets of the capital, Maha Nuwara.⁴

Trees also were on occasions protected in Ceylon. Knox says that no man could cut down a coconut tree.⁵ At various times kings prohibited the felling of trees in the jungle.⁶ This protection perhaps was due to the economic value of the protected tree. During world war II, when food was scarce, it was an offence to fell a jak tree. Destruction of trees was not a capital offence under the Sinhalese Kings. It was however so under the Dutch. The Dutch made the destruction or peeling of a cinnamon tree an offence punishable by death.”⁷ It appears that the British, when they replaced the Dutch maintained this law, for, in a private letter to Lord Mornington dated 26th October 1789, Governor North says, “by the Dutch laws every tree of cinnamon which grew by chance in the ground of an individual became immediately the property of the state and was put under the care of the Chalias. They may enter the garden of any person where there is a cinnamon tree at all times; they alone may peel it; and if the proprietor destroys the tree or otherwise disposes it the punishment is capital. These vexatious and oppressive laws it is my intention to preserve in full force.”⁸ That the British did preserve these laws is obvious for in May—

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1. Ma Huan. Ying Yai Sheng Lan. (1413) Trans. George Phillips. *Journal of the China Branch of the Royal Asiatic Society*. Vol. 20 p. 212
 2. Nantilaka Thera: *Sammoha—vinodani* (Katuluwa: Lankoprapakava Press 1892)
 3. *The Remonstrantie of Francisco Pelsaert*. Trans. W. H. Moreland and P. Geyl under the name of *Jahangir's India*. (Cambridge: Heffers 1925) p. 49.
 4. P. E. Pieris. *Sinhala and the Patriots*. *op. cit.*
 5. Knox. *op. cit.* p. 102
 6. J. C Wolf. *op. cit.* p. 308
 7. J. P. L. “Dutch Rule in Ceylon.” *Ceylon Literary Register*. IV (3rd series) 1935 p. 108
 8. Wellesley Manuscripts. British Museum. No. 13865 p. 57.

June 1814, P. G. De Vos, Sitting Magistrate at Ja-ela, had tried 26 such cases and had forty more pending.¹

Treason was perhaps the crime for which most people paid with their lives. The prevalence of treason in the Sinhalese Kingdom is easily understandable. Since the 2nd century A.D., Ceylon was the site of almost continuous warfare when different nations were attempting to gain control over the island.² Most of these powers succeeded in gaining a foothold in the island and from their fortresses on the coast attempted to subjugate the interior either by direct or indirect aggression (fostering revolt in the unsubjugated regions). The Sinhalese law of treason was very definite. The offender was impaled and the rest of his family, as their blood was attainted, was wiped out. The punishment was not immutable though they could claim immunity by seeking sanctuary in a "privileged" village.³ Occasionally, however, the King granted them a conditional pardon. Thus King Bhuvenaka Bahu VI (1468 A.D.) granted a pardon to all rebels who partook in the Sinhala rebellion on condition that they behaved in submission.⁴ On some occasions the King merely imprisoned them. King Kanirajanutissa (88—91 A.D.) imprisoned the "sixty Bhikkhus who were involved in the crime of high treason."⁵ The Portuguese, the Dutch and the British, all inflicted the penalty of death for treason—and some of the men that these foreigners killed were not traitors in any way. The only crime that they committed was that they performed their tasks too conscientiously and were apparently gaining too much power in the districts in which they had jurisdiction.

The crime of treason as it is known today and as it was recognised in ages past comprised plotting against the King and his territory. Among the Sinhalese, however, it was treason to plot against the Sangha as well. King Dhātusena (460—478 A.D.) in framing charges of treason against war criminals contended that these men "failed to protect during the preceding Tamil rule, both King and Sangha."⁶ Damage to places of worship was a capital crime under the Sinhalese kings. King Elara, we are told, had damaged a Thupa

1. P. E. Pieris, *op. cit.*
2. G. C. Mendis *op. cit.* p. 93
3. S. Paranavitana. Giritale Pillar Inscription. *Epigraphia Zeylanica* Vol. III (1933) pp. 128—148.
4. S. Paranavitana. Dadigama Slab Inscription of Bhuvenaka Bahu VI. *Epigraphia Zeylanica*. Vol. III (1933) 278—285.
5. *Mahavamsa op. cit.* p. 247
6. Walpola Rahula. *History of Buddhism in Ceylon*. (Colombo: M. D. Gunasena & Co. 1956) p. 71

by knocking his chariot on it. When his attention was drawn to it he had thrown himself down and requested the Bhikkhus to sever his head with the wheel. But the Bhikkhus had desisted from such action claiming that "injury to another does our Master in no wise allow," and requested him to make his peace by restoring the Thupa.¹ Damage to places of worship was not a capital crime under the Portuguese, Dutch or British. Under the British it was a crime and it remains so even today.²

An offence that aroused considerable social indignation was sexual deviance. Knox, for instance says, "Indeed there are no public whores allowed by authority. In the city some who have followed that trade have of time by the King's orders been severely punished by whipping and having their ears cut off"³ Infidelity was also frowned upon and a man who caught his wife in bed with another man was given the right summarily do his wife and her paramour to death.⁴ This was not an obsolete law, for we find that when the British became rulers of the island they came across a few such cases⁵ In these instances the husband was tried for murder by the British who perhaps could not then understand why a man should be so provoked because his wife was unfaithful. The British, in this instance, did not inflict the penalty of death but imposed a lesser punishment because of the customs of the people. Soon, however, the British by Proclamation declared such action illegal.⁶

Incest was another crime which was punishable by death. King Sena V (972—981 A.D.) had Mahamalla, who had committed an offence with his mother, slain,⁷ and King Sri Wickrama Rājasingha had sentenced to death Ellepola Nilame who was charged with incest with his sister⁸ but later had him imprisoned in the *Weylatta Attuwa*⁹ Promiscuity was also dealt with severely. King Aggabodhi III (circa 626 A D) had the Yuva Raja Mana slain because he had committed offences in the women's apartments.¹⁰ What was most frowned upon was sexual intercourse with a man of lower

1. *Mahavamsa op. cit.* p. 114

2. *Ceylon Penal Code* Section 290

3. Robert Knox. *op. cit.* pp. 91-92

4. Pridham. *op. cit.* Vol. II p. 218

5. P. E. Pieris. *Ceylon. The Portuguese Era*, (Colombo: The Colombo Apothecaries Co. Ltd. 1913) Vol. II p. 499

6. *ibid*

7. *Culavamsa op. cit.* p. 158

8. 14th January 1813

9. *Diary of John D'Oyly. op. cit.* p. 158

10. *Culavamsa op. cit.* p. 58

caste,¹ for such cases brought social degradation not only of the deviant woman, but of the entire family as well.² In such cases it was imperative that the woman should be killed for it was thus that the disgrace to the family could be wiped out. It mattered little in these cases whether the act was performed with or without the consent of the women. The Judicial and Revenue Commissioners' Diary reports a case in 1817 when a Padua man raped a higher caste woman. The woman had been requested to hang herself but when she declined to follow this course of action she was stabbed by her uncle. In this connection it is interesting to note that the Dutch promulgated a law whereby they made it a capital offence for a "moslem or pagan man to have carnal knowledge of a Christian woman."⁴

The Portuguese and the Dutch were actively interested in the crime of sorcery, which, in keeping with European traditions of that period was a capital offence. De Couto gives a detailed description of what happened to a man who was arrested by the Portuguese on the charge of being a sorcerer.⁵ Sorcery or something akin to it was practised as an art in Ceylon.⁶ However, due perhaps to the influence of the Portuguese and the Dutch in Ceylon, it was forbidden in the latter days of the Kandyan Kingdom. D'Oyly records that during the reign of King Narendra Singha (1707—1739 A.D.) there were several cases of sorcery where the accused were executed and their lands given to the injured party.⁷

The death penalty has been utilised in Ceylon for over twenty five centuries. How many people would have paid with their lives for crimes during this period is not known. During the twenty five years (1931—1955) there were 697 executions⁸—an average of 28 per year. The penalty of death was for murder,⁹ abetment of suicide,¹⁰ and treason.¹¹ But those executed

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1. Joao Ribeiro *The Historic Tragedy of the Island of Ceilao*. Trans. P. E. Pieris (Colombo : Ceylon Daily News Press. 1948) p. 50
 2. P. E. Pieris *op. cit.*
 3. W. Ivor Jennings *op. cit.*
 4. P. E. Pieris. *op. cit.*
 5. De Couto. *op. cit.*
 6. Paul Wirz: *Exorcism and the Art of Healing in Ceylon* Leiden : Brill 1954)
 7. Sir John D'Oyly. *A Sketch of the Constitution of the Kandyan Kingdom* (Colombo : Ceylon Government Printer. 1929)
 8. *Administration Reports of the Commissioner of Prisons and Probation Services* (Colombo : Ceylon Government Printer.) annually
 9. *Ceylon Penal Code* Section 296
 10. *ibid* 299
 11. *ibid* 114

were prisoners found guilty of murder.¹ The death penalty did not exist in Ceylon continuously for the past twenty five centuries. King Amandagama (79—89 A.D.) is reputed to have been the first to have abolished the death penalty.² King Kassapa III (717—724 A.D.) is also said to have done the same. These kings however did not abolish the death penalty by edict. They merely carried out the command to kill no living creature³ and this command is now interpreted as abolition of the death penalty by edict. King Voharika Tissa (263—285 A.D.) was the first; he not only abolished the penalty of death but made a law setting aside bodily injury too.⁴ King Parakrama Bahu II (1236—1271 A.D.) was the second.⁵ There have been other kings who did not enforce the death penalty though it remained on the statute books. The *modus operandi* followed by these kings was to substitute a corpse for the convicted criminal. Thus King Mahanāma (458—480 A.D.) “had a corpse fetched and thrown into the copper barrel which the criminal was to be burnt and gave the criminal sufficient money to make good his escape.”⁶ King Sri Sanghabodhi (300—302 A.D.) also acted similarly.⁷ The Chronicles contend that the action taken by these kings was prompted by feelings of sympathy and religious piety but that the corpses were burnt instead to instil fear into the hearts of the general population, in the belief that this was the fate of the convicted man. This contention is interesting for it points out that the penalty of death was inflicted even at this early stage not as retribution, but as a deterrent.

In more recent times attempts have been made to abolish the death penalty. In 1928 Mr. D. S. Senanayake introduced a motion in the then Legislative Council to abolish the penalty of death. The Colonial Secretary pointed out that capital punishment was a matter of imperial policy and outside the competence of the legislative council and though the motion was passed it was not implemented. In 1936 a similar motion was introduced but the then State Council rejected the motion. In 1955 a bill introduced in parliament to abolish capital punishment was passed but was not implemented because of a change in Government.⁸ Two years later, a bill to substitute

1. *Report of the Commission on Inquiry on Capital Punishment.* (Colombo: Ceylon Government Press, 1958)
2. *Report of the Commission of Inquiry on Capital Punishment.* op. cit.
3. *Mahavamsa op. cit.* p. 246. *Culavamsa op. cit.* p. 112.
4. *Mahavamsa op. cit.* p. 258
5. *Culavamsa op. cit.* p. 148
6. *ibid.* p. 21
7. *Mahavamsa op. cit.* p. 262
8. *Report of the Commission of Inquiry on Capital Punishment.* op. cit.

life imprisonment for death as a punishment for murder was passed in the House of Representatives, but was rejected by the Senate. In 1958 the same bill was reintroduced and became law. The penalty for death then remained on the Statutes only for treason but shortly after the passage of the bill, by an emergency declaration, death was made the penalty for looting etc. in connection with the race riots.¹ The death penalty was reintroduced immediately after the assassination of the Prime Minister² in September, 1959.

A life for a life is the principle on which the old Mosaic law was based. The only justification that exists for the continued use of a punishment is its deterrent power, for which there is no positive evidence. Yet it is on the statute books of many civilised countries. As Sellin points out, its abolition and enforcement do not depend on scientific or objective evaluations, but on the mood, emotion and temperament of the people.³

1. *Gazette Extraordinary*. 27th May 1958

2. Mr. S. W. R. D. Bandaranaike.

3. *Royal Commission on Capital Punishment*. Minutes of Evidence. Thirtieth day. Thursday February 1951. Witness: Professor Thorstein Sellin.

THE GOVERNOR - GENERAL AND THE TWO DISSOLUTIONS OF
PARLIAMENT, DECEMBER 5, 1959 AND APRIL 23, 1960

A. J. WILSON

The Dissolution of December 5, 1959

The dissolution of Parliament is a matter for the Prime Minister. This has been the constitutional position in the United Kingdom since 1918.¹ Since Section 4 (2) of our Constitution requires that as far as may be possible, the Governor-General should in the exercise of his powers, authorities and functions act in accordance with constitutional conventions prevailing in the United Kingdom, it becomes necessary therefore for British precedents wherever possible to be followed in Ceylon, if the circumstances so warrant. British practice however arises from one major fact. It is that in important matters, the Prime Minister functions as the channel of communication between the Cabinet and the Sovereign and that when he functions in this way, he has the confidence and backing of at least a majority of his colleagues. It is on this basis that the Sovereign usually considers favourably a request for dissolution. Thus Professor Greaves writes that "to refuse such a request when supported by a unanimous Cabinet might lead to criticism and bring the monarchy into the arena of political conflict."² But he makes a very important exception when he adds that "to accept it (i.e. a request for dissolution) without evidence of Cabinet approval might do the same."³ Sir Ivor Jennings too tends to support the latter view when he states that there has been "a persistent tradition that he (the Sovereign) could refuse if the necessary circumstances arose."⁴ He states that there have been examples in other Commonwealth countries where the head of the state has rejected the advice to dissolve. What these circumstances are, he adds, it is difficult to define. But elsewhere he points out that Mr. Lloyd George before his defeat at the Carlton Club in 1922 "toyed with the idea of asking for a dissolution."⁵ Jennings opines that had such a request been made by Mr. Lloyd George, "this would have been a dissolution against his own supporters, rather like General Hertzog's attempt in 1939, and it would have raised

1. *vide* Jennings *Cabinet Government* 3rd. ed. (Cambridge, 1959) p. 419.

2. *The British Constitution*, 3rd. ed. (London: Allen and Unwin, 1955) p. 102.

3. *loc. cit.*

4. *op. cit.*, p. 427.

5. *op. cit.*, p. 425.

difficult issues for George V.”¹ In the case of General Hertzog, an informal request for dissolution was made by him to the Governor-General Sir Patrick Duncan when he was defeated on a resolution moved by him in the South African House of Assembly at the outbreak of war in September 1939 to the effect that South Africa should remain neutral. General Hertzog had just less than half his Cabinet and a minority of his party behind him. On the other hand the opposition against him which was in a majority was led by his own Minister of Justice, General Smuts. General Smuts won the day and was hence commissioned by the Governor-General to form a government. This he did without any difficulty and carried on with the existing Parliament till the end of the war.²

The two cases of Mr. Lloyd George and General Hertzog are very interesting because they have an important bearing on the circumstances of December 5, 1959. For Mr. Dahanayake's position just before dissolution might in some respects be equated to that of Mr. Lloyd George or of General Hertzog.

Mr. Dahanayake assumed the Premiership on September 26, 1959, shortly after the assassination of Mr. S. W. R. D. Bandaranaike. His appointment had the approval of all the members of Mr. Bandaranaike's Cabinet who were then in Ceylon.³ Soon however there were dissensions within the Cabinet because of dissatisfaction regarding the way in which the investigations into the Bandaranaike assassination was being conducted. An influential group of Ministers was of the view that two members of the Cabinet, the Minister of Local Government and the Minister of Finance, should be removed because of their friendship or relationship with some of those suspected of the murder of Mr. Bandaranaike.⁴ This group ultimately

1. *loc. cit.*

2. for a full account *vide* H. J. May *The South African Constitution* 3rd. ed. (Capetown and Johannesburg: Juta & Co.) pp. 181-2.

3. *vide* report of Mr. W. Dahanayake's broadcast to the nation after the dissolution of parliament, page 1 *Ceylon Observer* (city ed.) 5 December 1959.

4. On Mrs. Vimala Wijewardene (The Minister of Local Government) *vide* references to the activities of this group in Mr. P. G. B. Keuneman's speech on the motion of no confidence in the Government, on 30 October 1959, in *Parliamentary Debates* (House of Representatives) Vol. 37, columns 1019 and 1020. Also Mr. M. D. Banda's references to the same subject *ibid.* columns 1115 and 1116. The *Ceylon Observer* and *Ceylon Daily News* of this period too contain many references to the moves to get rid of Mrs. Vimala Wijewardene.

On Mr. Stanley de Zoysa (Minister of Finance) *vide* references to the activities of this group in *Ceylon Observer* (late ed.) of 3 November 1959, p. 1. Also Mr. M. D. Banda's reference to the demand made by ten Ministers in Mr. Dahanayake's Cabinet to have Mr. Stanley de Zoysa removed, corroborated by the Leader of the Opposition, Dr. N. M. Perera, in *Parliamentary Debates* (House of Representatives) Vol. 37, columns 1650-1653.

succeeded in forcing the Prime Minister to remove those two Ministers. But even these removals failed to have the desired effect as there were still doubts in the minds of the Ministers concerned as to whether the investigations were being carried out in the proper way. The sum result was that it began to become gradually evident that the Prime Minister was losing the confidence of a majority of his colleagues as well as of the members of his own parliamentary group. This was open knowledge at the time. The discontent became so acute that the dissatisfied Ministers as well as a large section of the Government Parliamentary Group resorted to taking measures to acquaint the Governor-General with the facts of the prevailing political situation. It was hoped perhaps that such action would dissuade the Governor-General from acceding readily to any advice the Prime Minister might give him. The following facts regarding the political situation were therefore within the knowledge of the Governor-General :—

1. On 20th October a conference was held at Queen's House¹ between the Minister of Justice (in whose charge the Police Department responsible for making the inquiries into the assassination happened to be) and the Ministers who were concerned about the investigations into the assassination. The Governor-General was present at this conference. This was disclosed by the Prime Minister himself during the course of the debate on the motion of no-confidence in his Government moved by the combined Opposition on 30th October. The Prime Minister admitted that his Ministers had gone to the Governor-General on this matter. He added that they were quite entitled to do this.² What is important here however is that the Governor-General was made aware of the discontent prevailing within the Cabinet, of the fact that a majority of the Ministers was not at all satisfied with the conduct of the investigations, that these Ministers lacked confidence in the Prime Minister and that that was why they had gone to Queen's House to discuss the details of the assassination probe.
2. On 25th November a memorandum signed by 25 of the 43 elected Government Members of Parliament was handed to the Governor-General and the Prime Minister dissociating themselves from the 'Fact and Rumours Statement' of Mr. Sydney de Zoysa then Deputy Inspector-General of Police, and asking that both these persons (i.e. the Governor-General and Prime Minister) consider the situation very carefully before a decision is taken to dissolve Parliament. The 'Fact and Rumours Statement' of this official was the occasion for a vote of censure on the Minister of Justice by the

1. Queen's House is the official residence of the Governor-General in Colombo, the capital city.

2. *vide Parliamentary Debates* (House of Representatives) Vol 37, columns 1007 and 1007.

combined Opposition. The *Ceylon Observer*¹ published this memorandum calling it the 'Anti-Dissolution Memorandum of Government M.Ps.' Dr. Colvin R. de Silva too made mention of it in the course of the debate on the vote of censure on the Minister of Justice² The Prime Minister who was present throughout the debate and contradicted other statements made by Opposition spokesmen had no comments to make about Dr. de Silva's reference to this Anti-Dissolution Memorandum. Here again what is of significance is that the Governor-General had been told that a majority of the elected members of the Government Parliamentary Group was not supporting the Prime Minister's defence of the 'Fact and Rumours Statement' and that they were not at all anxious for a dissolution of Parliament. It was evident therefore that the Prime Minister was becoming helpless in the face of the opposition that was mounting against him from his own ranks.

3. Of some significance and not altogether irrelevant to the situation prevailing at the time was the decision of three members of the Government Parliamentary Group to vote with the Opposition at the division on the motion of censure on the Minister of Justice. The result was that the Prime Minister was able to win by a bare majority of one. The Government was able to survive because of the votes of the six Appointed Members of the House of Representatives. The voting revealed that Mr. Dahanayake did not have the support of the majority of the elected members of the House.³ This fact too would have become known to the Governor-General.

The question therefore arises as to whether Sir Oliver Goonetilleke should have granted Mr Dahanayake's request for a dissolution. It might be argued that he was merely following the British convention. But it can also be pointed out that the situation in this country at the time was not quite similar to a normal British situation in the twentieth century for this particular British convention to be followed. Dissolutions in the United Kingdom are normally asked for by Prime Ministers who are at the head of a united Cabinet and who have the backing of their party. The exception may have arisen if Mr Lloyd George had in 1922 gone ahead with his proposed line of action. Mr. Dahanakaye's position at the time of dissolution was not altogether different from that of Mr. Lloyd George in 1922, or of even General Hertzog in 1939. The facts indicate that the Governor-General was aware

1. of 26 November 1959, p. 1.

2. *vide Parliamentary Debates* (House of Representatives) Vol. 37, column 1741.

3. *vide* division list *ibid*, columns 1761—1764. The Government members who voted with the Opposition were Messrs. R. E. Jayatilaka, Pani Ilangakoon and M Samara-weera.

that there was dissension within the Cabinet and an increasing unwillingness on the part of members of the Government Parliamentary Group to accept Mr. Dahanayake's leadership. The Governor-General should therefore not have in the light of these circumstances allowed Mr. Dahanayake's request.

Mr. Dahanayake for his part should not have placed the Governor-General in the embarrassing situation in which he placed him by tendering the advice to dissolve when it was not possible for him to say with any degree of assurance that he had a united Cabinet behind him. It is submitted that the proper course for him would have been to have tendered his resignation and to have left it to the Governor-General to commission some other person who had the confidence of the Sri Lanka Freedom Party (S.L.F.P.) to form a government. Mr. Lloyd George followed this course in 1922 instead of advising dissolution. Mr. Ramsay Macdonald did likewise by tendering his resignation to the King in 1931 when he found that he was losing the confidence of his colleagues as well as of his own party. In Mr. Macdonald's case however, the King re-commissioned him to form a national government with the support of the leaders of the Opposition parties, Mr. Stanley Baldwin and Sir Herbert Samuel.¹

There is also the fact that in all the cases of dissolution granted in the United Kingdom and in Commonwealth countries, it has been the leader of the ruling party or the leader of the Opposition who has gone to the country for a mandate. If it is the Prime Minister who has dissolved, the electorate is asked to judge whether the record of his government has been sufficiently satisfactory for a further mandate to be given to his government. If it is the Leader of the Opposition who has been appointed Prime Minister as a result of the defeat of the government, the electorate is expected to judge between the ousted party and the new government. Mr. Dahanayake however did not fit into either of these categories. Shortly after dissolution, the opposition to him within the Cabinet which had reached dangerous proportions earlier, came to a head when the Prime Minister resigned from the S.L.F.P.² (7th December) and the Working Committee of the latter in turn expelled the Prime Minister from its ranks without accepting his resignation (8th December).³ On the day following (9th December) these differences between

1. for the details of this *vide* Harold Nicolson's *King George the Fifth* (London, Constable, 1952) pp. 453-469.
2. *vide* report of Mr. Dahanayake's statement on page 1 of the *Ceylon Daily News* (city ed) of 8 December 1959 where he said: "I have resigned from the S.L.F.P. because I do not want my throat cut in broad daylight." The Prime Minister also stated that he had formed a new party to contest the General Election scheduled for 19 March 1960.
3. *Ceylon Daily News*, 9 December 1959, p. 1.

the Prime Minister and the majority of the members of his Cabinet came to a head when the Prime Minister advised the Governor-General to remove from office five Cabinet Ministers who belonged to the S.L.F.P.¹ On 11th December, a special conference of some members of the S.L.F.P. decided to request the Governor-General to re-convene Parliament and to appoint a suitable person as Prime Minister till March 19, 1960, the date fixed for the General Election.² An explanatory note to the resolution stated that "the present Prime Minister, Mr. W. Dahanayake was elected to office with the support of the S.L.F.P. Ministers, but since he had resigned from the S.L.F.P., he has no right to continue in office."³ On 12th December, the Executive Committee of the S.L.F.P. elected Mr. C. P. de Silva President.⁴ The same Committee authorised Mr. C. P. de Silva to request the Governor-General to remove Mr. Dahanayake from office and to appoint him (Mr. C. P. de Silva) as Prime Minister.⁵ A 'prayer' to the Governor-General was submitted by Mr. C. P. de Silva on the lines of the decision taken by the Executive Committee.⁶ No action was taken by the Governor-General on this 'prayer'. Meanwhile on the day following the handing of this 'prayer', Mr. C. P. de Silva resigned from his office of Minister of Agriculture and Lands in Mr. Dahanayake's Caretaker Government.⁷ Mr. Dahanayake for his part had formed his own organisation which he called the Lanka Prajathantara Pakshaya to fight the General Election. When it became obvious that the remaining five S.L.F.P. Ministers in his Cabinet were not going to accept his party label, he had them too removed (6th January 1960).⁸ These happenings leave no trace of doubt that the Prime Minister had ceased to be the leader of the party as whose head he had recommended dissolution on 5th December. He had therefore no moral claim to continue as Prime Minister. The role he assumed was altogether unique. It had no precedent in the history of cabinet government either in the United Kingdom or in the countries of the Commonwealth.

Section 15 (5) of the Constitution too should have cautioned the Governor-General and served as a warning to Mr. Dahanayake. This provision states that if at any time after the dissolution of Parliament, an emer-

1. *Ceylon Daily News*, 9 December 1959, p. 1.

2. *Ceylon Daily News*, 12 December 1959, p. 1.

3. *ibid.*

4. *Ceylon Daily News*, 14 December 1959, p. 1.

5. *ibid.*

6. for the full text of the 'prayer' *vide* p. 1 of the *Ceylon Observer* (Sunday ed.) 13 December 1959.

7. *Ceylon Daily News*, 14 December 1959, p. 1.

8. *Ceylon Daily News*, 7 January 1960 (late ed.) p. 1.

gency situation arises, making it necessary for Parliament to meet, then the Governor-General can summon the dissolved Parliament. It adds that this dissolved Parliament may be kept in session until the meeting of the new Parliament. During the period of Mr. Dahanayake's caretaker regime, there were occasions when an emergency situation may have arisen. If such a situation had even by political manipulation or trade union action arisen, then the Prime Minister would have been compelled to meet the Parliament he had dissolved. There can be no doubt as to what the result would have been had Mr. Dahanayake been faced with such a situation. He would have been hopelessly outnumbered and the House of Representatives would have refused to sanction any of his measures. Such a situation could have also arisen after Mr. Dudley Senanayake dissolved Parliament as a minority Prime Minister on 23rd April 1960. This provision must therefore be interpreted as meaning that the Constitution demands that only a Prime Minister in command of the situation in the House should be allowed the right to dissolve. It must therefore serve as a warning to any head of the state in this country who takes upon himself the responsibility of granting a dissolution to a minority Prime Minister that his action can be nullified if a dissolved Parliament has to be re-convened due to emergency conditions.

Finally, if nothing else, at least local precedents should have provided the Governor-General with some guide to action. There had been two instances of dissolution of parliament prior to Mr. Dahanayake's—the first by Mr. Dudley Senanayake in April 1952 and the other by the Right Honourable Sir John Kotelawala in February 1956. In both cases, it was a Prime Minister at the head of a united cabinet who recommended dissolution. There were no internal conflicts, no open challenge to leadership, no dissenting views expressed once the decision had been taken. This is as it should be. In Mr. Dahanayake's case, the political situation was far from clear. The Governor-General should not therefore have acceded to Mr. Dahanayake's request especially because of the standards set by the two Prime Ministers referred to.

The inevitable result of such ill-considered action on the part of the Governor-General was that he let himself be dragged into the arena of political controversy. There was criticism of his conduct. Though this criticism did not directly refer to his action in dissolving Parliament, it had nevertheless some relationship to the circumstances under which the dissolution took place. A day after the dissolution, the Leader of the Opposition, Dr. N. M. Perera alleged that the Governor-General had political motives in dissolving Parliament.¹ He accused him further of trying to organise a new

1. *Ceylon Daily News*, 7 December 1959, p. 3.

party consisting of the Right Honourable Sir John Kotelawala, Messrs. R. G. Senanayake, W. Dahanayake, J. C. W. Munasingha and Mrs. Sirima Bandaranaike.¹ On 12th December, the Prime Minister himself had to issue a statement refuting the charge that "His Excellency is my mentor and that he dictates to me."² The Governor-General further also got involved with the S.L.F.P. His unwillingness to consider favourably its 'prayer' placed him in an embarrassing situation vis-a-vis that party. All this could have been avoided if Sir Oliver Goonetilleke had done the correct thing to begin with. The blame does not however lie with him entirely. The Prime Minister too was equally culpable. If he had planned the course of action he took after dissolution, before he decided to dissolve, then convention required that he should have done so before dissolving Parliament. If he had done this, there is little doubt that he would have been out-voted in the House of Representatives. He would then have had no alternative but to resign. If he did not anticipate the developments which followed dissolution, then, in the interests of maintaining the conventions relating to parliamentary government, he should have chosen the proper course by handing back his commission to the Governor-General. By his actions, he is guilty of having let the head of the state be dragged into political controversy. During virtually the whole of the period of his caretaker regime, he was vigorously criticised for violating convention and there was general uneasiness that he would not hold the General Election at all. If parliamentary government is to develop in the proper way, it is essential that the Prime Minister of the day should show a respect for the conventions relating to it. The same is expected of the nominal head of the State. Both however showed disregard for convention by acting in the way they did.

The Dissolution of April 23, 1960

The results of the General Election of March 19, 1960 were inconclusive in that no party was returned with a clear and absolute majority to the House of Representatives. The United National Party led by Mr. Dudley Senanayake secured 50 seats, the Sri Lanka Freedom Party led by Mr. C. P. de Silva obtained just four seats less than the United National Party, the Federal Party under Mr. S. J. V. Chelvanayakam got 15 seats and claimed the support of five independent members returned from the predominantly Tamil areas of the Northern and Eastern Provinces, the Mahajana Eksath Peramuna³ of Mr. Philip Gunawardene and the Lanka Sama Samaja Party⁴ led by Dr. N.M.

1. *ibid.*

2. *vide* Mr. Dahanayake's press statement in the *Ceylon Daily News*, 12 December 1959, p. 7.

3. People's United Front (left wing).

4. Ceylon Socialist Party (Trotskyist).

Perera secured ten seats each. These were the sizeable political groups in the House. Amongst the others, the Lanka Prajathanthara Pakshaya¹ got four seats the Communist Party under Dr. S.A. Wickremasinghe won three seats, and the Jathika Vimukthi Peramuna² of Mr. K. M. P. Rajaratne two seats. The rest was distributed amongst various independent members. After some hesitation, the Governor-General commissioned Mr. Dudley Senanayake to form a government on 21st March. Just before Mr. Dudley Senanayake was commissioned, Mr. C. P. de Silva, the leader of the next largest group is reported to have conferred with Sir Oliver Goonetilleke.³ It is not within the scope of the present work to examine in detail whether the Governor-General was correct in calling upon Mr. Senanayake to form a government. Suffice it to say that the correct constitutional position is that the nominal head should commission the person who in his opinion is able to command a majority and form a stable government. Sir Ivor Jennings remarks that "the Prime Minister must be able to secure colleagues and, with his colleagues, he must be able to secure the collaboration of the House of Commons."⁴ In the United Kingdom even when minority administrations were formed as in 1924 and in 1929, they were formed in the hope that a third party (which on both occasions happened to be the Liberals) would provide these administrations with the necessary supply of votes to enable them to carry on for a reasonable length of time.⁵ It is therefore not merely enough that the person commissioned should be the leader of the largest single group in the House. This is more so when that group comprises just about one-third of the total number of elected members of the House and when there is another group which is likely to have the backing of the lesser groups than the group larger to it. If the Governor-General is not in a position to judge the situation, then it is the duty of the person whom he summons to either decline the commission, for he would be in a better position to feel the temper of the House, or to accept it and make an effort. If he fails in the process it is his duty to hand back his commission. Mr. Stanley Baldwin preferred the first course. In 1929 when no party secured a majority at the General Election,

1. The Ceylon Democratic Party (right wing).
2. (Sinhalese) National Liberation Front (left wing).
3. reports of this meeting appeared in the front pages of the *Ceylon Daily News* (provincial ed.) of 22 March 1960 the *Times of Ceylon* (late ed.) of 22 March 1960 and the *Ceylon Observer* of 22 March 1960.
4. Jennings, *op. cit.* p. 20.
5. *vide* Nicolson *op. cit.* p. 392 where he states in regard to the 1924 Administration that in domestic matters Mr. Macdonald introduced legislation which was "carefully modulated in order that no harsh note should shock the ears of his Liberal patrons" and p. 437 where in regard to the Administration of 1929 he writes that Mr. Macdonald could "at any moment be defeated if the 59 Liberals combined with the 261 Conservatives. His domestic legislation was therefore tentative and vague."

but the Conservatives were returned as the largest single group, Mr. Baldwin could have continued as Prime Minister till he was defeated in the House. Instead of trying his hand, he realised that his party had lost support and decided to resign forthwith.¹ He did this because the public would have thought it 'unsporting' of him not to have done so and would have suspected him of contemplating a deal with the Liberals.²

Mr. Dudley Senanayake on the other hand preferred the second course but he failed to carry it to its proper conclusion, by handing back his commission when he did not succeed in securing the collaboration of a majority in the House of Representatives. It might be noted that on the two occasions he met the House, he was defeated in a convincing manner. On the 30th March, the Government's nominee for the Speakership secured 60 votes as against Mr. T. B. Subasinghe the nominee of the combined Opposition who secured 93 votes.³ On 22nd April at the crucial vote on the Debate on the Address the Government was defeated by 93 votes to 61.⁴

Before however even meeting the House on any of the occasions mentioned, the Prime Minister had realised that his position was hopeless. Hence hardly six days had he been in office when on the 28th March, two days before the date fixed for the election of the Speaker of the House, at a meeting of the Government Parliamentary Party at Temple Trees, Mr. Senanayake announced that he would recommend to the Governor-General the dissolution of Parliament if his Government was defeated on the Queen's speech.⁵ This could however have been interpreted only as a threat. Perhaps the Prime Minister hoped that the House would not think of defeating the Government except after very serious consideration.

Shortly after Mr. Senanayake's announcement there followed a volume of opinion from various persons—a former Governor-General, eminent Queen's Counsel, academicians as well as politicians—on the question as to whether the Governor-General should or should not accept the advice to dissolve.

Lord Soulbury who had been Governor-General of Ceylon from 1949 to 1954 in an interview to the *Sunday Times*⁶ was of the opinion that if the

1. *op. cit.* pp. 434, 435.

2. *op. cit.* p. 435.

3. *Parliamentary Debates* (House of Representatives) Vol. 38, columns 3 and 4.

4. *ibid* columns 899—902.

5. *vide* full text of the communique issued after the meeting of the Government Parliamentary Party at Temple Trees (the official residence of the Prime Minister in Colombo) on 28 March 1960 in the *Ceylon Daily News* (late ed.) of 29 March 1960, p. 1.

6. of 3 April 1960, *vide* p. 1.

Government was defeated and the Prime Minister recommended dissolution, "I believe the Sovereign is bound to accept his advice."

Two Queen's Counsel were of the view that the Governor-General should accept the Prime Minister's advice.¹ One of these, Mr. E. B. Wickramanayake, it must be stated was a Minister of Justice in a former United National Party government.

The academicians were divided. The burden of Professor S. A. de Smith's argument seemed to point out to the fact that the Governor-General should accept the advice to dissolve "notwithstanding that this would involve two General Elections within a few months"² unless he felt that "there were the strongest grounds for believing that an alternate government capable of maintaining a parliamentary majority for a substantial period of time could be formed without a dissolution."³ Mr. J. A. L. Cooray was a little more forthright than Professor de Smith. While accepting the latter's general conclusions, Mr Cooray was of the view that "the mere fact that some sort of alternative government is possible, does not and should not as Evatt points out, prevent the grant of a dissolution by the Queen's Representative."⁴ Dr. N. M. Perera in an academic contribution stated that if Mr. Dudley Senanayake failed to get a vote of confidence from the House, "the Governor-General must in the circumstances summon Mr. C. P. de Silva to form a government having assured himself that there is reasonable support from other Parties at present in the Opposition for Mr. C. P. de Silva."⁵ He concluded that "any other procedure would be contrary to democratic principles and inconsistent with the best constitutional traditions."⁶ Mr. K. H. Jayasinghe and the present writer in a joint contribution thought on similar lines. In the contribution concerned, Sir Harold Nicolson, Sir Ivor Jennings, Professor Berriedale Keith, Professor Byrum E. Carter and Dr. Eugene A. Forsey were quoted at various points to confirm the view that the Governor-General had the discretion to refuse a request for dissolution and that he should call on the Leader of the Opposition, in the circumstances, to form an alternate government.⁷

1. *vide Sunday Times of Ceylon*, 3 April 1960, p. 1.

2. *vide* Professor De Smith's article entitled 'Dissolution of Parliament and the Governor-General's Powers' in *Ceylon Daily News*, 1 April 1960. p. 1.

3. *ibid*

4. *vide* Mr. Cooray's article entitled 'The Dissolution of Parliament. The Limits of the Governor-General's Discretion.' in pp. 8 and 9 of the *Sunday Times of Ceylon* of 17 April 1960.

5. *vide Ceylon Daily News* of 5 April 1960. p. 4.

6. *ibid*

7. *vide* pp III and IV in the Special Supplement of the *Tribune* of 22 April 1960.

The politicians too leaned heavily on the works of authorities on the subject or on legal opinion to support their particular points of view. The Prime Minister claimed that he had checked his case with the "law officers" and that he had "even consulted an eminent private lawyer."¹ From the opinions he had collected, he seemed clear in his own mind that the Governor-General had no option but to accede to his request.² In the House, at the Debate on the Address, the Prime Minister stated that Harold Laski had been of the opinion that in 1924 when Mr. Ramsay Macdonald as leader of a minority government had asked the King to dissolve, there was no other alternative but for the King to accept that advice.³ Mr. Senanayake argued that if Mr. Macdonald with only 191 seats out of 615, "much less than our ratio," could have been allowed to dissolve, there was no reason as to why the Governor-General should not grant him his request.⁴ Actually however the granting of Mr. Macdonald's request was not so straightforward. Sir Harold Nicolson writes that the King "agreed with the utmost reluctance and only after he had ascertained from the leaders of the Conservative and Liberal Parties that they themselves were unable or unwilling to form an Administration."⁵

As against the Prime Minister's views, most of the leading members of the Opposition parties were of the opinion that the Governor-General had a right to refuse. Dr. S. A. Wickremasinghe quoted from Sir Harold Nicolson's *King George the Fifth* and from a statement made by Mr. Asquith on 18th December 1923.⁶ Mr. F. R. Dias Bandaranaike referred to Sir Ivor Jennings' views as stated in his *Law and the Constitution*.⁷ Dr. N. M. Perera had recourse to Dr. Eugene A. Forsey's treatise entitled *The Royal Power of Dissolution of Parliament in the British Commonwealth*.⁸

Mr. Philip Gunawardene had a different proposition altogether. It was his view that an interim Caretaker National Government should be formed and should continue in office for a reasonable length of time till

1. *vide* the Prime Minister's interview to the *Sunday Times of Ceylon* of 17 April 1960, p. 1

2. *ibid*

3. *Parliamentary Debates* (House of Representatives) Vol. 38 columns 871 and 872.

4. *ibid*

5. *King George the Fifth*, footnote 1 in p. 400.

6. *Parliamentary Debates* (House of Representatives) Vol. 38 columns 178—180.

7. *ibid* columns 327 and 328.

8. *ibid* columns 847 and 848. Note Dr. N. M. Perera stated on the same occasion that he was 'grateful' to the present writer "who was good enough to send me the relevant passage" from Dr. Forsey's treatise.

9. *ibid* columns 185—198.

another General Election could be held.¹ The disorganised state of the administration and the fluid nature of the political situation he held warranted such a step.² There was however no support for this move except from Mr. Gunawardene's own party.

Despite the Prime Minister's repeated threats that he would dissolve Parliament in the event of his being defeated on the Queen's Speech, the Opposition as a whole remained unaffected and at the critical division on April 22nd voted with one or two exceptions, unitedly against the Government.³ The position might have been different had some sections of the Opposition been convinced that dissolution would follow the defeat of Mr. Senanayake's Government. These sections along with many others in the Opposition had however been led to believe that the S.L.F.P. had been given an assurance by the Governor-General that it would be called upon to form a government in the event of Mr. Senanayake being voted out.⁴ Making specific reference to this general belief in Opposition circles, Mr. Senanayake in an interview to the *Ceylon Daily News*⁵ on the day of the critical vote stated that "an expression of opinion on such reports and rumours would be improper and an act of discourtesy to the Representative of the Queen." Mr. Senanayake however said that he was sure the Governor-General would do what is constitutionally correct.⁶ For Mr. Senanayake this was nothing more than the Governor-General accepting his advice to dissolve Parliament.

On April 23rd after Mr. Senanayake had tendered his advice, the Governor-General summoned the leaders of the Opposition parties, Mr. C. P. de Silva, Mr. S. J. V. Chelvanayakam, Dr. N. M. Perera, Mr. Philip Gunawardene, Dr. S. A. Wickremasinghe and Mr. K. M. P. Rajaratne to Queen's House to explore the possibilities of an alternate government.⁷ What transpired is interesting for it throws some light on the way the Governor-General's mind was working. The Leader of the Opposition, Mr. C. P. de Silva expressed his willingness to form a government. The Governor-General is then reported to have inquired from Mr. de Silva

1. *ibid* columns 185—198

2. *ibid*

3. *ibid* columns 899—902.

4. *vide* report of an election address by Dr. Colvin R. de Silva, deputy leader of the Lanka Sama Samaja Party at Ambalangoda in p. 5 of the *Ceylon Daily News* of 29 June 1960.

5. of 22 April 1960, (late edition) *vide* p. 1

6. *ibid*.

7. *vide* report in p. 1 of the *Ceylon Observer* (late edition) of 23 April 1960

whether he had the support of the Federal Party.¹ To this Mr. de Silva said that it would be best for the Governor-General to make the inquiry from the leader of the Federal Party, Mr. Chelvanayakam.² The leader of the Lanka Sama Samaja Party, Dr. N. M. Perera stated that his party would support a S. L. F. P. government.³ Mr. Philip Gunawardene on behalf of the Mahajana Eksath Peramuna put forward his plea for a Caretaker National Government.⁴ Dr. S. A. Wickremasinghe of the Communist Party declared his support for a S. L. F. P. government.⁵ Mr. K. M. P. Rajaratne of the Jathika Vimukthi Peramuna too gave a similar assurance.⁶ In all these cases, the Governor-General merely inquired from the leaders concerned what their attitude would be to a S.L.F.P. government.

With Mr. Chelvanayakam however an altogether different proposition was put. This was because the support of the twenty members of the group of which Mr. Chelvanayakam was the head would have been vital to the existence of any alternate government. The Governor-General inquired from Mr. Chelvanayakam whether he would be prepared to render unconditional support to a S. L. F. P. government for a period of two years.⁷ To this Mr. Chelvanayakam replied that his group had an understanding with the S. L. F. P., that there was no reason for him to think that this understanding would not be honoured and that his group therefore would not merely support a S.L.F.P. government for two years but till the end of Parliament's term.⁸

Evidently the Governor-General's definition of a stable government is that it should last at least for a period of two years. This however is far from being a proper definition of what governmental stability should be. There are various practical difficulties. No leader can give any assurance about the length of office of a government which he is to head. This would depend on a number of factors, some predictable, others not predictable. As for rendering unconditional support for a period of two years, this again is

1. *vide* report of Mr. F. R. Dias Bandaranaike's speech at an election meeting at Mandawela in the *Ceylon Daily News* of 5 July 1960, p. 5
2. *ibid* (the writer can vouch for the correctness of this statement),
3. interview with Dr. N. M. Perera by the writer.
4. interview with Mr. Philip Gunawardene by the writer.
5. interview with Dr. S. A. Wickremasinghe by the writer.
6. as stated by Dr. F. R. Jayasuriya, a leader of the Jathika Vimukthi Peramuna to the writer.
7. interview with Mr. S. J. V. Chelvanayakam by the writer.
8. as stated by Mr. Chelvanayakam to the writer at the same interview.

hardly a fair way of addressing a question to any member of Parliament. Support depends on a number of factors. If these are not there, then even the most loyal member of a political party may have to withdraw his allegiance. No one can be expected to give an assurance of this nature unless he was uttering a falsehood. The only conclusion therefore is that since the support of Mr. Chelvanayakam's group was indispensable for any government, a question addressed in this way would only produce an answer which would not be altogether satisfactory. It would provide a suitable excuse for taking a course of action which had already been decided on. And this was what happened. Shortly after Mr. Chelvanayakam had met the Governor-General, Parliament was dissolved.

The Opposition barring the Mahajana Eksath Peramuna viewed the Governor-General's action with misgiving. On the afternoon of the same day, the leaders of all the Opposition parties with the exception of Mr. Philip Gunawardene met in the House of Representatives and issued a joint statement, the relevant section of which it is useful to quote here :

We are unanimous in expressing our regret that His Excellency has thought it fit to dissolve the present Parliament a little over a month after the last General Election. In view of the fact that all the Opposition parties, barring the M.E.P. had intimated to His Excellency quite clearly that an alternative government could be formed by the S.L.F.P. and that there was a reasonable possibility of it continuing, the dissolution of Parliament cannot be treated as being in the best interests of the country which has already suffered by the absence of an effective government for many months.¹

Two questions need to be discussed here. First, whether the Governor-General had a right to refuse a request for dissolution. Secondly whether in fact he was justified in granting Mr. Senanayake's request for a dissolution.

On the first question, there is no doubt that the Governor-General himself was of the view that he should not accede straightaway to Mr. Senanayake's request to dissolve. For otherwise he would not have summoned the leaders of the Opposition parties and investigated the possibilities of an alternate government. It might be argued that this was only a pretence. But still, the fact remains that the correct procedure was adopted when the leaders of the Opposition parties were summoned to Queen's House. Mr. Senanayake however as Prime Minister requested dissolution instead of advising Sir Oliver Goonetilleke to explore the possibilities of an alternate government first.²

1. *vide* joint statement signed by Mr. C. P. de Silva (S.L.F.P.) Mr. S. J. V. Chelvanayakam (Federal Party) Dr. N. M. Perera (Lanka Sama Samaja Party) Dr. S. A. Wickremasinghe (Communist Party) Mr. J. D. Weerasekera (Lanka Prajathanthara Pakshaya) and Mr. K. M. P. Rajaratne (Jathika Vimukthi Peramuna) in the *Ceylon Observer* (Sunday edition) of 24 April 1960, p. 1.

2. as stated by Mr. Dudley Senanayake to the writer at an interview.

Mr. Senanayake's action here was therefore not constitutionally correct considering the circumstances. On the other hand Sir Oliver Goonetilleke's action was on all fours with British precedent. In fact as late as in 1924 Sir Harold Nicolson states that George V agreed to Mr. Ramsay Macdonald's request for dissolution "with the utmost reluctance and only after he had ascertained from the leaders of the Conservative and Liberal Parties that they themselves were unable or unwilling to form an Administration."¹ As for Mr. Senanayake's contention that the Governor-General was bound to accept his advice in accordance with British convention, this again is not altogether correct. Although Mr. Senanayake quoted the late Professor Harold Laski to support his viewpoint, British practice does not indicate that even during the twentieth century the Sovereign has accepted in all cases the advice to dissolve. In November 1910, George V according to Lord Esher actually refused a request for dissolution and the Liberal Government decided to resign.² Later however he agreed to Mr. Asquith's request.³ Even in 1924, with regard to Mr. Ramsay Macdonald's request, besides what Nicolson has recorded, Sir Ivor Jennings remarks that "it is said that a dissolution was in fact refused until the matter was pressed."⁴ The opinions of experts other than the late Professor Laski too lend support to the view that the Sovereign or the Governor-General has the right to refuse. Dr. Forsey in his treatise on the royal power of dissolution is of this view. Jennings in *The Constitution of Ceylon*⁵ is also quite definite about this. He states "it seems clear that the Queen can refuse to accept the Prime Minister's advice, and therefore that the Governor-General can do so. The question does not often arise in practice, because if the Cabinet has a majority in the House of Commons (or the House of Representatives) it is in a strong position. If the Queen (or the Governor-General) does not accept the advice, the Cabinet can resign. If their majority holds, no alternative Government having a majority can be formed, and accordingly the new Government has to advise a dissolution in the hope of getting a majority. Thus, the Queen (or the Governor-General) has to accept the dissolution. This may not happen quite so easily in Ceylon, for it is unlikely that party lines will always be so strict as in the United Kingdom,

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1. Nicolson, *op. cit.* *vide* footnote (1) in p 400.
 2. *Esher Papers*, III, p. 34. Jennings states however that Lord Esher "meant only that the King refused, pending further consideration." *vide* Jennings, *op. cit.*, pp 414 and 415.
 3. *Esher Papers*, III, p. 34.
 4. Jennings *Cabinet Government* 2nd edition p.394; in the third edition (p 426) of the same work Jennings writes however that the King granted a dissolution "with reluctance."
 5. 3rd edition, 1953 (O.U.P.) *vide* pp67 and 68.

and in all probability if the Governor-General refused it would be because he thought that an alternative Government could be formed.”¹

On the question whether the Governor-General was justified in dissolving Parliament, here too the opinion of the experts is against him. Although Professor de Smith concluded his article on dissolution to the *Ceylon Daily News*² with the statement that “the Governor-General could not, consistently with constitutional propriety, refuse a request for dissolution made by the Prime Minister after a defeat on a matter of confidence unless there were the strongest grounds for believing that an alternative government capable of maintaining a parliamentary majority for a substantial period of time could be formed without a dissolution,” it is interesting to note that the same expert in a contribution in conjunction with Oliver M. Stone to Volume Five of Halsbury’s *Laws of England* entitled *Commonwealth and Dependencies* states that “refusals of dissolution are generally considered proper not only where the request is capricious, but also where it can reasonably be supposed that an alternate Government can be found without a dissolution”³ It will be seen that a reasonable supposition is not exactly the same as “unless there were the strongest grounds for believing that an alternative Government capable of maintaining a parliamentary majority for a substantial period of time could be formed without a dissolution.” Further, it is very significant to note that Professor de Smith in the same contribution has in a footnote referred the reader to Forsey for further information on the question of the right to refuse a request for dissolution.⁴

Forsey has certain clear and definite propositions on the subject of dissolution. In his *The Royal Power of Dissolution of Parliament in the British Commonwealth*⁵ he states that a Prime Minister would not be entitled to a dissolution unless a) no alternative Government was possible or b) some great new issue of public policy had arisen or c) there had been a major change in the political situation or d) the Opposition had explicitly invited or agreed to a dissolution. Forsey adds that “the same considerations would hold true even for a Government with a larger majority, and at any time during the first session of a new Parliament.”⁶ Even where a great new issue of public policy has arisen, he is of the view that “the Crown would be justified

1. *loc. cit.*

2. of 1 April 1960, *vide* p. 6.

3. 3rd edition, 1953 (London, Butterworth & Co., Publishers Ltd.) *vide* p. 467.

4. *op. cit.* *vide* footnote (m) in p. 467.

5. 1943 (Toronto, O. U. P.) *vide* p. 262.

6. *loc. cit.*

in refusing dissolution if supply had not been voted, or a re-distribution or franchise act had not yet had time to come into operation, provided an alternative Government could be found, or provided the issue was not one which brooked no delay, e.g. a mandate for the despatch of troops overseas.”¹

It will be seen that none of the considerations Forsey has in mind was prevalent in the country at the time to compel the Governor-General to accede to Mr. Senanayake's request. Besides the House of Representatives had not voted supply at the time the request was made. Furthermore the franchise act which extended voting rights to persons of eighteen years and above had not yet come into operation as the voting registers which would have provided for the inclusion of this new category of voters had not been prepared and duly certified. On these grounds alone, advanced by Forsey, the Governor-General could have refused to dissolve Parliament.

What is of still more relevance to the situation that was in existence at the time is Forsey's opinion regarding the advisability of dissolving Parliament immediately after a General Election. He is very definite on this matter when he writes that “no Government defeated on the Address, or before, at the beginning of the first session of a new Parliament is entitled to a dissolution.”² It is therefore clear that if one judges the Governor-General's conduct in dissolving Parliament according to the standards laid down by an expert recognised by Professor de Smith himself, Sir Oliver Goonetilleke had placed himself wholly in the wrong.

It might be asked as to what the Governor-General should have done under the prevailing circumstances. Forsey does not lay down stability as a condition for bringing an alternative government into existence. He states that it is the duty of the head of the state especially where there is a multiple-party system to try all ‘possible alternative Prime Ministers’ before acceding to a request for dissolution.³ At the time Parliament was dissolved there was a reasonable supposition that a suitable alternative Government could be formed. This was the assurance that the Leader of the Opposition, Mr. C. P. de Silva gave the Governor-General when he was summoned to Queen's House. The joint statement issued by all the leaders of the Opposition parties save Mr. Philip Gunawardene also indicated that they were of the opinion that an S.L.F.P. government could have been formed and maintained

1. *loc. cit.*

2. Forsey, *op. cit.* p. 266.

3. *op. cit.* p. 263.

in office. The Governor-General was therefore guilty of a grave error of judgment when he refused to be convinced by the assurances of the Leader of the Opposition.

The argument might be put forward that the Governor-General would have been placed in an embarrassing situation if the new Prime Minister had asked for a dissolution shortly after his appointment. The Governor-General would then, it will be said, have been forced to grant a dissolution to one Prime Minister which he had refused to another. He would then have been accused of having taken sides. Forsey however has a remedy for such a situation. He states that if an alternative Government assumed office and asked for an immediate dissolution or was at once defeated on a critical division, "it would be the duty of the Crown to recall the former Government and grant it dissolution"¹ This is perhaps the only way by which a Governor-General can repair any damage that he might have caused by having accepted in good faith the assurances of a Leader of the Opposition who had either honestly misjudged the political situation or had deliberately attempted to deceive him. The former Prime Minister might not refuse such an invitation, for a Government which goes to the country has a distinct advantage over its rivals because of the opportunities it can have of utilising the machinery of government for its election campaign. If he refuses however, there is no alternative but to let the existing Prime Minister go to the country. The Governor-General's error would however be recognised as a genuine one.

Judging from the facts and from the opinions of experts like Forsey, Jennings and even de Smith, it is clear beyond doubt that Sir Oliver Goonetilleke was guilty of acting in a way which exposed him to severe criticism. If a Governor-General is to maintain the high dignity of his office and is to hold the scales evenly in the political conflict, he must not give the impression that he is being partial to one side. But this is in fact what Sir Oliver Goonetilleke did when he gave his consent to Mr. Senanayake's request for a dissolution. The inevitable result was that more than in the case of Mr. Dahanayake, the Governor-General came in for much condemnation by the majority of the Opposition leaders. From the L. S. S. P. especially there were trenchant attacks. Dr. Colvin R. de Silva alleged that the Governor-General did not keep to his promise that he would call upon the S.L.F.P. to form a government if the U.N.P. failed.² Both Dr. de Silva and Mr. Leslie

1. *loc. cit.*

2. *vide* report of an election address by Dr. Colvin R. de Silva at Ambalangoda in p. 5 of the *Ceylon Daily News* of 29 June 1960.

Gunawardene declared that the first act of an S.L.F.P. Government would be to remove the Governor-General from office.¹ The Communist Party leader, Dr. S. A. Wickremasinghe was also critical. He accused the Governor-General of "staging a farce for the benefit of the U. N. P."² From the S.L.F.P. there was not very much pointed criticism. Mr. D. B. Monnekulame, the S.L.F.P. candidate for Kurunegala and a former junior minister alleged that "Sir Oliver Goonetilleke was being dictated to by Premier Dudley Senanayake."³ Mrs. Sirima Dias Bandaranaike in a statement to the press on 23rd May criticised by implication the Governor-General's action in dissolving Parliament when she stated among other things: "I challenge Mr. Senanayake to point to a single instance of a British Prime Minister defeated on an amendment to the Address, who advised a dissolution since democratic government as is understood now, came to be established one hundred and

1. (a) *vide* report of an election address by Mr. Leslie Goonewardene, Secretary of the Lanka Sama Samaja Party at Rathdoluwa where he stated among other things: "at the end of the coming election a S. L. F. P. Government supported by leftist progressives would be set up. One of the first things to do was to sack the capitalist Governor-General, Sir Oliver Goonetilleke." *Ceylon Daily News* of 5 July 1960, p. 5
- (b) *vide* report of an election address by Dr. Colvin. R. de Silva in support of two of his party candidates when he stated inter alia: "the first thing the new Government would do if it came to power would be to expel the Governor-General who was an agent of the capitalist reactionaries . . ." *Ceylon Daily News* of 13 July 1960, p. 5
- (c) Dr. N. M. Perera, the leader of the Lanka Sama Samaja Party was extremely critical of the Governor-General's conduct and expressed his views on the matter in the House of Representatives during the Debate on the Address on 26th August 1960 i.e., just after the second General Election. He stated: "Over 85 members of this House quite clearly indicated to the Governor-General that we were prepared to support a S.L.F.P. Government. That was not heeded. Where was the democracy there? The dissolution of Parliament took place—I am stating this for a very good reason—and on that occasion when I had the opportunity of expressing my views to His Excellency the Governor-General, I made my position clear—I think the constitutional position of this country ought to be clear—that is, if by any chance His Excellency the Governor-General granted the request made by the then Prime Minister Mr. Dudley Senanayake and dissolved Parliament and if the country turned down the U.N.P., then the position of His Excellency was no longer tenable. He had no alternative but to tender his resignation on his own because he had taken sides and supported one party as against another. In a democratic assembly this is not consistent with the position that he should normally hold. I am suggesting this because in fairness to all of us His Excellency the Governor-General must be made aware of the true position. If that resignation does not come in and if the Government does not choose to ask him to resign, then my party will be constrained to move an Address in the House asking for his removal from that post. I wish to make this position clear." *Parliamentary Debates* (House of Representatives) Vol. 39, No. 6 (Part II) column 855.

2. *Ceylon Daily News* of 3 May 1960 p. 9.
3. *Ceylon Daily News* of 24 June 1960 p. 7.

twenty years ago . . .”¹ Mr. F. R. Dias Bandaranaike was more forthright. His views were however expressed only after the new Parliament was convened after the General Election. He was of the view that the Governor-General had acted “wrongly and improperly” in dissolving Parliament.²

On behalf of the Governor-General, the only politician of standing who stood up for him during the course of the election campaign was the Prime Minister himself. Mr. Senanayake held that the Governor-General ‘very rightly’ accepted his advice.³ The U.N.P. ex-Member of Parliament for Beruwela was the only other politician who in the election campaign defended the action of the Governor-General.⁴ These views in defence of Sir Oliver Goonetilleke’s action were however not expressed as replies to the attacks of the Opposition leaders but were incidentally expressed in the course of the campaign.

If the impartial character of the office of Governor-General is to be maintained, it is best that the holder should as far as possible remain aloof from political controversy. Sir Oliver Goonetilleke’s action however exposed him to the charge of being partisan and of being guilty of unconstitutional conduct. It might be argued that he would have let himself in for the same type of criticism had he refused to accede to Mr. Senanayake’s request. But the severity of such criticism would have been mitigated if the alternative government which he might have called into being had continued to remain in office for some time. He would have been further constitutionally correct in trying to bring such a government into existence because the weight of expert opinion would have been on his side. If such a government collapsed soon after it was inaugurated, he could have employed Forsey’s remedy of bringing back the Prime Minister to whom he had first refused dissolution. Sir Oliver Goonetilleke however failed to choose the correct path. To this extent he was guilty of a breach of the normal conventions. His was indeed an unconstitutional act.

1. *vide Ceylon Daily News* of 23 May 1960 p. 1.

2. *Parliamentary Debates* (House of Representatives) Vol. 41, No. 3 column 411 (uncorrected version).

3. *Ceylon Daily News* of 23 May 1960, p. 1.

4. *Ceylon Daily News* of 26 April 1960, p. 5.

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CORRIGENDA

No. 65 should read:

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No. 107 should read:

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H. A. I. GOONETILEKE.

BOOK REVIEWS

WEERAWARDENA, I. D. S. *Ceylon General Election, 1956*. Colombo, M. D. Gunasena & Co., 1960. 262 p., illus., Rs. 15-00.

Psephology or the systematic study of a General Election in a parliamentary democracy is of fairly recent origin. The study of the British General Election of 1954 by McCallum and Readman was a pioneer study in this field of political science. It was followed by a series of studies each of which developed in some way the pattern of analysis it originated. For this kind of research three methods were utilised in varying degree—the historical, the sociological and the statistical. The historical method was used to weave the events of a General Election into a significant narrative. The topics selected for study were themselves an indication of what the writer considered as important for his task, which was to convey the distinctive character of a particular General Election; the sociological method utilised sample surveys to gauge such items as voters' preferences, their attitudes to particular parties, and the relationship of their opinions to their social status; the statistical method utilised tables and diagrams to compare facts, elicit trends and if possible establish 'laws' of electoral behaviour. The comprehensiveness of the study depended not only on the ability of the writer, but also on such factors as the presence of a team of competent collaborators, the availability of research apparatus and financial resources, and the co-operation of those questioned by investigators.

Such factors are more readily available in England than in Ceylon. Nonetheless, Sir Ivor Jennings used whatever material he could obtain and made an analytical study of the Ceylon General Election of 1947. It was a stimulating essay in which he expressed the hope that its publication would induce a Ceylonese to do a more adequate piece of research in this field. The late Dr. I. D. S. Weerawardena took up the challenge and produced a lengthy essay, analysing the Ceylon General Election of 1952. Thereafter he made careful preparations to study the next Election. He had a team of collaborators of some competence, considerable co-operation from those questioned, limited research apparatus, and financial support for his venture. The special character of the General Election of 1956 and his own preparation and ability enabled him to produce an attractively printed book which is undoubtedly a landmark in the field of local political studies.

He states in his Preface his two-fold aim. "My aim has been partly to tell the story of an Asian General Election and partly to relate the story to the conflicting and sometimes confusing web of a complex and heterogenous society . . . It has therefore not been written in the manner of a purely psephological study." But for the purpose of this review it may be more useful to describe the nature and purpose of his book in a slightly different way. His study is basically, though not purely, a psephological study. The topics he selects for description, the method he uses and the reference he makes to his inability to provide either intensive case studies or a small scale opinion survey, indicate that he has relied substantially on previous psephological studies to frame his analysis. In this study, he has relied a great deal on the historical method along with considerable use of the statistical method. And for a particular purpose in one chapter he was able to make strict use of the sociological method. He has also supplemented parts of his narrative with 'sociological' comments either to explain the origin of some issue such as the language problem or to sketch the character of some pressure group such as the Eksath Bhikkhu Peramuna. In short, it is more a historical than a sociological analysis.

The first question is this—how well has he told his story? Let us consider the credit side. He has chosen his topics with insight, and describes the various aspects of the General Election with understanding and skill. The first two chapters are devoted to a

description of the background of the Election—the factors which led to the seeking of a mandate from the electorate, and the story of how the various parties selected candidates, made electoral pacts and manoeuvred for position. Chapter 3 is an account of the composition of the different parties and their manifestoes; Chapter 4 is partly an indication of how the constituencies were demarcated resulting in great disparities between them, and partly an analysis of the characteristics of the candidates. Chapter 5 describes the issues which arose and how the parties debated them. Chapter 6 singles out the Press and other Pressure groups and signifies the role they played in the election. Chapter 7 and 8 tell the story of how the campaign developed in the Sinhalese and Tamil-speaking provinces, and also of the methods of propaganda employed. Chapter 9 comments on the arrangements for conducting the election at both the national and local level. Chapter 10 consists of a statistical analysis of the results and also, an account of why the party in power lost the election. He has supported his story with a great deal of documentation, even with regard to the Tamil areas. He has avoided verbiage and described clearly the policies and personnel of the various parties; and given, on the whole, a sound estimate of the relative importance of the issues involved and of the influence exercised by pressure groups, along with a comprehensive analysis of the results. His chapter on ‘Parties and their Manifestoes’ is a fine piece of work. In chapter 7, he conveys effectively the dramatic clash of issues, the developing battle over, vote-catching issues, and the trends that emerged in cartoon and leaflet warfare. And in chapters 4 and 10, his statistical tables indicate the marks of thorough and patient fact-finding, which are essential elements in such a piece of research as this. Altogether, it is a commendable achievement.

What about the debit side? There are certain items which must be mentioned. Firstly, the writer does not seem to have made use of all the relevant literature available to him. He does not refer in Chapter 6 to the weekly papers issued by the Catholic Church, namely the *Catholic Messenger* and its Sinhalese version the *Gnanartha Pradeepaya*. If he had looked into the copies of the *Catholic Messenger* issued on 11th and 18th February, 10th and 24th March and April 7th 1956, he would have noted a steady stream of criticism of the *Buddhist Commission Report*, which he considers in detail in chapter 5—a stream of criticism which culminated in the *Companion to the B. C. R.*, issued by the Catholic Union of Ceylon in 1957. There was also a condemnation of the religious intolerance which had begun to be displayed on Independence Day 1956 and a strong desire to defend the legitimate interests of Catholics, in these issues. To neglect this evidence and quote mainly from a particular issue of the *Christian News Bulletin*, which represents the opinion of only a small section of Christians, is questionable. Naturally, his analysis of the role of the Christian community as a pressure group is weak. Again, he does not refer to nor quote from the Federal Party weekly *Suthanthiram*. If his Tamil-speaking assistants had been asked to refer to its issues on 15th and 29th January, 5th February and March 18th, he would have been able to have provided documentary support for the Federal Party’s replies to its critics and thereby given a more effective description of the clash of ideas in the election campaign in the Tamil-speaking areas.

Secondly, there seems to be a serious omission in his description of the campaign in the Sinhalese-speaking areas. He does describe effectively every aspect, except the clash of personalities as between Sir John Kotelawela and Mr. Bandaranaike. There is no portraiture here of the ebullient personality and salty humour of the former or the oratorical skill and mass-appeal of the latter as they effected the minds of the voters. Since he relies a great deal on the historical method, as did McCallum and Readman in their pioneer study of the Election of 1945 in Britain, he might have followed their example with profit. Both portraiture and narrative are used to indicate the nature of Mr. Churchill’s personal popularity and mass-appeal, and also of Mr. Attlee’s respect and affection, in the eyes of different groups of voters, and the reader gets some idea of the

voters' personal reactions as they sought to choose a Prime Minister. Dr. Weerawardena tells us how the voters in Ceylon were faced for the first time with a real choice of a Prime Minister. But how they reacted personally to the contestants in the face of this choice is not indicated. An important element of the 'character' of the Election was not described.

Thirdly, there is the question of bias. It is obvious that everyone has a bias, and it is equally obvious that any serious piece of scholarship must include an attempt to limit the effect of such a bias, by a detached style and fairness of presentation. The writer has a detached style, but is not always fair in his presentation of facts or personalities. For example, his treatment of the problem of Indian citizenship as a political issue in this book (pp. 195—198 and pp. 236) when compared with the relevant parts of his Essay in 1952 (*Ceylon Historical Journal* Vol. 11 of 1952, pp. 113 and 125) indicates a curious reversal of judgment. In 1952 he stated that a good number of the 168,000 Indians seeking citizenship were being denied their political rights owing to administrative delay; in this book he lays emphasis on the dangers of permitting too many Indians to enter Ceylon or live here as citizens *but* does not mention all the relevant figures included in his Essay. In 1952, he stated that the U.N.P. had developed anti-Indian feeling by raising the communal cry in Sinhalese electorates and by exaggerated reports of illicit immigration; in this book he says that the U.N.P. then really gave unconscious leadership to the incipient national movement as it expressed itself in a desire to protect the nation from Indians. There is a sharp reversal of judgment recorded in this book but the facts adduced in his Essay of 1952 are not disproved. And this change colours his connotation of the word 'national.' A movement which seeks to deny citizenship rights to quite a few people who seemed to him in 1952 to satisfy the law's requirements is called 'national.' One has a right to reverse one's judgments or change one's biases, but a serious piece of scholarship must indicate the grounds for this change as conclusively as possible.

The other example of the ill-effects of an uncontrolled or unrealised bias in the telling of his story is this. It is the absence of any reference either to Mr. Bandaranaike's skill or his importance, in the description of how electoral unity was forged in the ranks of the Opposition and in the discussion as to why the U.N.P. lost the election. In the second chapter the reader is not given the impression that the forging and maintaining of this unity through many a stress was due in considerable measure to Mr. Bandaranaike's personal impact and acknowledged skill in the art of political manoeuvre. Again in chapter 10, he says that the M.E.P. was an acceptable alternative able to attract the rural vote, implying all the time that this was due to its acceptable and attractive policies. But he nowhere indicates that Mr. Bandaranaike was in himself the supremely acceptable alternative as Prime Minister, and that his undeniable mass-appeal in no small way enabled the M.E.P. to attract to itself the rural voter, who votes as much, or even more, for a man who embodies policies than for impersonal policies. This bias may have been a methodological rather than a personal one. But whatever it was, it has prevented his analysis from being as comprehensive as it might have been. To fail to convey or assess Mr. Bandaranaike's role in the 1956 Election, is to fail to analyse it adequately.

The second question is how well he has related the telling of his story 'to the conflicting and sometimes confusing web of a complex and heterogeneous society'? In the first place, it is true to say that the words just quoted are more confusing than illuminating. If his sociological analysis was to have been as substantial as his historical analysis of the Election, he would have needed the collaboration of a trained sociologist. Since he did not engage in such a collaboration, he must have intended his sociological commentary to be something within his abilities as a trained political scientist, who had to make use of the results of sociological research. In the main, he 'sketches' the character of the relevant social factors present in contemporary Ceylonese society. For example, in the political implications of the language issue, he indicates the existence of a class and cultural division between the English-educated and the Vernacular-educated and traces its origins to British educational policy. Or in dealing with the political ideas of the Federalist Party, he explains the nature of the conflict over jobs in the public service, and the reasons for colonisation schemes for the benefit of the Sinhalese villager. These and other explanations are useful up to a point but are necessarily sketchy. It is only in analysing the age grouping, political experience, educational qualifications and class composition of the candidates for Parliament that his explanation is documented with reliable and illuminating statistical evidence. If he had only made further use of available statistical material, he could have made his explanations less sketchy, without much difficulty. He could have, for example, used the tables in the Census reports to show the reader the distribution of population according to race and religion on both a national and provincial basis, to illuminate and further document his discussion on the demarcation of constituencies. Or again, statistics from the Reports of the Director of Education could have been used to indicate the distribution of schools of all grades, as between government and religious denominations, and the numerical distribution and salary scales of teachers as between English-educated and Swabasha-educated, to supplement his description of the contents of the B.C.R. and the anti-Catholicism of the E.P.B. The *Statistical Abstract* and *Ten Year Plan* for Ceylon would have enabled him to indicate the distribution of income, employment and economic activity, to strengthen his discussion of the economic issues which were debated by the parties during the election. Finally, a more detailed explanation of who the rural voter actually is, and why he relies on the rural middle-class for leadership might have made the similarities and differences between them clearer.

What then is overall impact of the late Dr. Weerawardene's book? It is a pioneer work and a substantial achievement in local political studies for which we must be grateful. But it is not an outstanding work either in analysis or documentation. The important point however is that he initiated this work with the material and techniques at hand and also dedicated his ability and energies to produce a piece of serious scholarship, while having a heavy programme of teaching. And there was time for him to improve and develop his psephological studies, which makes his untimely death all the more lamentable. Perhaps the best way to perpetuate his memory is for his students to fulfil the tasks he left to posterity.

LAKSHMAN WICKREMESINGHE.

A Concise History of Ceylon from the earliest times to the arrival of the Portuguese in 1505, by G. W. NICHOLAS AND S. PARANAVITANA, Peradeniya, Ceylon University Press Board, 1961. xvi + 368 :
Nine maps and twenty plates.

The University of Ceylon deserves to be congratulated on the publication of this *Concise History of Ceylon* so soon after the publication of the first volume of the larger *History of Ceylon* and the joint authors of this *Concise History* are beyond question the most competent scholars who could have undertaken the task. The book follows the general plan of the larger work viz to divide the whole story into four or five broad chronological divisions, deal with the political history of each period first and follow it up with a comprehensive chapter on the civilization of the period. Needless to say the book is very well written and besides making excellent reading, it constitutes a handy and up-to-date narrative setting forth the latest and best available knowledge on the subject. Indeed in some respects it even seeks to anticipate the results of current research.

It is noteworthy that the authors call into question the Dravidian origin of the Indus valley civilization and point out that the earliest remains in the Deccan do not include objects which are typical of that civilization (p. 56). Their view that the Dravidians arrived in South India roughly about the same time as that for which the Damilas (Dravidians) are mentioned in the Ceylon chronicles (57), though supported by archaeology in its present state, may eventually turn out to be in need of revision ; the megalithic monuments may be a few centuries earlier in their origin.

In his foreward the Vice-Chancellor mentions information that has become available since the first volume of the larger history went to press and promises its incorporation in a second edition if and when it is undertaken. He also says while some sections of the *Concise History* have been abridged from the relevant chapters of the detailed history, others have been altogether re-written, obviously in the light of the new material alluded to above. And in their Preface the authors have taken care to provide a list of the main differences resulting from the adoption of a new point of view in this work.

The biggest difference, which the authors doubtless consider a vast improvement, is the attempt to bring the history of Ceylon into more intimate relation with that of the maritime Empire of Sri Vijaya. They surmise that Sena I (A. D. 833—53) was planning an escape to Sri Vijaya, via Trincomalee, and that the Pandya invaders offered terms to Sena with a view to prevent the emergence of an alliance between Ceylon and Sri Vijaya (p. 150). They suggest that the chief queen of Mahinda IV (956—72) came from Sri Vijaya (155) ; at this point their surmise about Sena I becomes a historical fact, which prepared the way, a century earlier, for this matrimonial alliance ; and on the very next page they say even more emphatically that this alliance with Sri Vijaya was the only method of securing the naval aid they might need against the rising thal-

socracy of the Colas. They equate the Kerala soldiers who revolted against Mahinda V (982—1029) with Malay mercenaries from Sri Vijaya (157). Again at p. 189 they suggest that Vijayabahu I's merchant ships to Burma were conveyed and protected on their voyages to and fro "by the powerful navy of the Malay Kingdom of Sri Vijaya with which the Sinhalese royal family had consolidated friendly relations by the marriage between Mahinda IV and a princess of Sri Vijaya nearly a Century earlier. Mahinda IV's wise policy was bearing fruit." Thus what some pages earlier was a tentative surmise becomes a basic fact supporting further conjectures. Vijayabahu's marriage with Trilosundari as second *Mahesi* (Queen) was a grateful recognition of Sri Vijaya's help to him in his struggle against the Cola power and further strengthened the Ceylon—Sri Vijaya alliance (194, 196, 198).

All this, it will be readily seen, looks very original and makes a constructive and interesting interpretation of Sinhalese diplomatic policy. But the whole edifice rests upon Paranavitana's opinion that Kalinga was another name of Vijaya and that all references to Kalinga in the *Culavamsa* must be understood to refer to Sri Vijaya; this view he has tried to establish by a lengthy article in the *Journal of the Ceylon Branch of the R. A. S.*; the present reviewer has read that article carefully before writing this review, and has not found the arguments put forward either convincing or conclusive; but this is not the place to go into the details of the argument. It must be noted, however, that the constant meditation on this new point of view has convinced the authors of the *Concise History* that revolutionary changes occurred even in the religious traditions of the Sinhalese. Thus: "In Nissankamalla's time, Simhapura and Kalinga of the Indian mainland were long forgotten places, but the city and the Country in South-East Asia bearing the same names were very well known, and Nissankamalla's inscriptions assiduously inculcate the fiction that the ancestor of the Sinhalese monarchy came from his homeland" (p. 239). Lastly Magha of Kalinga came also from Malaysia and the bulk of his soldiers were Malays (pp. 244, 282).

Seductive as these new and revolutionary reconstructions appear to be, it is the opinion of the present reviewer that much discussion of the evidence brought for calling Sri Vijaya by the name of Kalinga will be necessary before it can be accepted as a settled fact, and it is still too soon to embark on a revision of the larger history of Ceylon on these lines. The *Concise History* would be doing good service meanwhile by stimulating such a critical review of the questions raised and is bound to throw fresh light on them.

K. A. NILAKANTA SASTRI.

The first part of the paper is devoted to a general survey of the
 situation of the Indian States in the North-West Frontier Province
 and the Punjab. It is shown that the Indian States in these
 provinces are in a state of general decline and that the
 British Government has been unable to do much to improve
 their condition. The second part of the paper is devoted to a
 detailed study of the Indian States in the North-West Frontier
 Province. It is shown that the Indian States in this province
 are in a state of general decline and that the British
 Government has been unable to do much to improve their
 condition. The third part of the paper is devoted to a
 detailed study of the Indian States in the Punjab. It is
 shown that the Indian States in this province are in a state
 of general decline and that the British Government has been
 unable to do much to improve their condition.

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Announcements

The Editors regret that it has taken some seven months longer than expected to bring out this issue of the Journal. It is now planned to publish two numbers of Vol. 4, by September 1962, and volume 5 as a single issue by the end of the same year. Volume 4 no. 1 is already in press, and subscribers are advised to renew their subscriptions. The annual subscription is Rs. 6-00 (Ceylon), 12 sh. 6d., or 2 dollars (U.S.) post free, and all remittances should be addressed to the Managing Editor, The Ceylon Journal of Historical and Social Studies, Upper Hantane, University Park, Peradeniya, Ceylon.

Volume 4 will include the following articles:

- M. Aldons: *Economic co-operation in Asia.*
- S. Rajaratnam: *The growth of plantation agriculture in Ceylon 1886—1931.*
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