

THE CEYLON JOURNAL OF HISTORICAL AND SOCIAL STUDIES

NEW SERIES

Vol. I

July-December 1971

No. 2

CONTENTS

- | | |
|--------------------|--|
| K. INDRAPALA | South Indian Mercantile Communities in Ceylon, circa 950-1250. |
| GEOFFREY POWELL | The Fall of Kandy 1815: The Willerman Letters. |
| VIJAYA SAMARAWEERA | The Judicial Administration of The Kandyan Provinces of Ceylon, 1815-1833. |
| JAMES T. RUTNAM | The Rev. A. G. Fraser and the Riots of 1915. |

Annual Subscription Rs. 15-00. Single Copy Rs. 7-50.
Published twice a year by the Ceylon Historical
and Social Studies Publications Board.

Price Rs. 7.50

THE CEYLON
HISTORICAL AND SOCIAL STUDIES
PUBLICATIONS BOARD

- S. ARASARATNAM, B.A. (Ceylon), Ph.D. (Lond.), Professor of History, University of Malaya, Kuala Lumpur.
- R. K. W. GOONESEKERE, LL.B. (Ceylon), B.C.L. (Oxford), Principal, Ceylon Law College.
- H. A. I. GOONETILLEKE, B.A., Dip. Lib. (Lond.), Dip. Lib. (Madras), F.L.A. Librarian, University of Ceylon, Peradeniya.
- H. A. DE S. GUNASEKERA, B.A. (Ceylon), M.Sc. Econ., Ph.D. (London), presently Permanent Secretary, Ministry of Planning and Employment.
- L. S. PERERA, B.A., Ph.D. (Ceylon), Professor of History, University of Ceylon, Colombo.
- RALPH PIERIS, B.A. (Ceylon), B.Sc. Econ., Ph.D. (Lond.), formerly Professor of Sociology, University of Ceylon, Peradeniya. **Editor.**
- K. M. DE SILVA, B.A. (Ceylon), Ph.D. (Lond.), Professor of Ceylon History, University of Ceylon, Peradeniya. **Managing Editor.**
- A. J. WILSON, B.A. (Ceylon), Ph.D. (Lond.), Professor of Political Science University of Ceylon, Peradeniya.

The Ceylon Journal of Historical and Social Studies is published twice a year by The Ceylon Historical and Social Studies Publications Board which was constituted in 1958. The months of publication are usually June and December, and copies will be sent post-free to subscribers.

The Journal is intended to cover the entire range of the social sciences—economics, political science, law, archaeology, history, geography, sociology, social psychology and anthropology. The articles will relate mainly, but not exclusively, to Ceylon.

Articles, books for review, editorial and business communications should be addressed to K. M. de Silva, Department of History, University Park, Peradeniya, Ceylon.

Back numbers, Vols. VI to X are available at publication prices. Vols. I, II and V are out of print; a few copies of Volumes III and IV are still available.

Remittances should be made payable to The Ceylon Journal of Historical and Social Studies. Rates of subscription (inclusive of postage): Annual—Rupees Fifteen; 1.50 pounds sterling; U.S. Three dollars. Single copies—Rupees Seven Fifty; seventy five pence sterling; U.S. One dollar fifty cents. A trade discount of 20% is allowed to booksellers in Ceylon. All payments from foreign countries must be made by International money order, cheques with thirty seven pence sterling or \$ 0.25 cents added for collection charges, or direct to the Boards % at the Bank of Ceylon, Kandy, Ceylon.

THE CEYLON
JOURNAL OF HISTORICAL
AND
SOCIAL STUDIES

NEW SERIES

Vol. I

July-December 1971

No. 2

Managing Editor

K. M. DE SILVA

Editor

RALPH PIERIS

Printed at The Colombo Apothecaries' Co., Ltd., Colombo, for
The Ceylon Historical and Social Studies Publications Board, Peradeniya.

11985—1

THE CEYLON
JOURNAL OF HISTORICAL
AND
SOCIAL STUDIES

NEW SERIES
Vol. 1
July-December 1951
No. 2

Managing Editor
K. M. DE SILVA

Editor
MALDEN WELLS

Printed at the Ceylon Government Press, Colombo.
Published by the Ceylon Historical and Social Studies Association, Colombo.

1-1951

THE CEYLON
JOURNAL OF HISTORICAL AND SOCIAL STUDIES

NEW SERIES
Vol. 1

July-December 1971

No. 2

CONTENTS

| | | Page |
|--------------------|--|------|
| K. INDRAPALA | South Indian Mercantile Communities in Ceylon, circa 950-1250 | 101 |
| GEOFFREY POWELL | The Fall of Kandy 1815: The Willerman Letters | 114 |
| VIJAYA SAMARAWEERA | The Judicial Administration of The Kandyan Provinces of Ceylon, 1815- 1833 | 123 |
| JAMES T. RUTNAM | The Rev. A. G. Fraser and the Riots of 1915 | 151 |

THE CEYLON
JOURNAL OF HISTORICAL AND SOCIAL STUDIES
NEW SERIES
Vol. 1
July-December 1971

CONTENTS

LIST OF CONTRIBUTORS

K. Indrapala, B.A. (Ceylon), Ph.D. (London), is a Senior Lecturer in History at the University of Ceylon, Peradeniya.

Colonel G. Powell is a retired army officer, now a civil servant in Britain. He is the author of *The Green Howards* (Hamish Hamilton, Famous Regiments Series, London 1968). His book on *The Kandyan Wars 1802-1818* will be published by Leo Cooper in mid-1972.

V. K. Samaraweera, B.A. (Ceylon), D.Phil. (Oxon.), is a Lecturer in History at the University of Ceylon, Peradeniya.

James T. Rutnam is a Bibliophile, Journalist, Director, Evelyn Rutnam Institute, Colombo, 7.

SOUTH INDIAN MERCANTILE COMMUNITIES IN CEYLON, circa 950-1250

K. INDRAPALA

The expansion of Cōla rule from about the middle of the tenth century was followed by the organization of a strong centralised administration resulting in the maintenance of peace for over two centuries over a wide area in South India. The more settled conditions of this period undoubtedly led to considerable economic growth. Clearly the expansion of overseas trade was an important factor in, as well as a reflector of this economic growth. The overseas campaigns of the Cōla emperors in the eleventh century in the Indian Ocean, from the Maldives to the Indonesian Islands, probably had more to do with overseas trade interests than has generally been conceded. Romila Thapar's bold assertion that these campaigns were conducted in order to strike at the Arab competition in the South-east Asian trade and to remove the Śrī Vijayan interference in the Sino-Indian trade may not be far off the mark.¹ The period of Cōla expansion was without doubt a period of the expansion of South Indian commerce; and this is clearly indicated by the occurrence in Burma, Thailand, Indonesia and China of Tamil inscriptions left by some of the more powerful South Indian mercantile communities. The extension of South Indian commerce has not been studied in relation to the overseas expansion of the Cōla power, partly because of the insufficient data that is available at present. Such a study should help to determine the role of commerce in Cōla imperialism. In this paper a preliminary survey of the activities of some of the major South Indian mercantile communities in Ceylon in the period of the Cōla empire has been attempted. It is by no means an exhaustive study of the subject but it is hoped that this will throw a little new light on the still greatly unexplored economic history of ancient Ceylon.

THE BACKGROUND

Towards the ninth century A.D. the major kingdoms of South Asia had developed an extensive commerce and established fairly close relations with West Asia, South-east Asia and China. With the rise of the sea-oriented empire of the Cōlas in the tenth century this commerce as well as South India's relations with other Asian empires, especially China, developed further. At the time the Cōlas were rising to power in South India, the political situation in

1. R. Thapar, *A History of India*, Vol. I (Pelican Books 1968), pp. 195-196.

China became more favourable to the development of closer Sino-Indian trade relations. The Sung government paid particular attention to foreign trade by making it a government monopoly and taking strenuous efforts to increase its volume. Special missions were sent out to entice foreign traders to the shores of China.² It appears that the Cōlas were not slow in grasping these opportunities offered by the Chinese, for we find that Rājarāja I (985-1014), Rājendra I (1012-1044) and Kulottuṅga I (1070-1120) had sent missions to the Chinese court.³ The result was a brisk trade in the eleventh century in textiles, spices and a number of luxury articles. The trade in the luxury articles, however, ran into difficulties in the twelfth century, when the drain of Chinese currency and precious metals resulting from its expansion led to attempts by the Chinese government to restrict the volume of trade with South India.⁴

In the West, South Indian trade with the Persians and the Arabs flourished in a similar manner, although it appears to have been dominated by the West Asians. South Indians were no doubt among the Indian merchants who sailed as far as Kish and Siraf in the Persian Gulf in the tenth, eleventh and twelfth centuries. But their records have not been found in these places and it is not possible to determine the role of the South Indians in this trade from the general references in Arab and Persian literature.

Unlike in contemporary China, trade was not a royal monopoly in South India in the period of Cōla rule. It was purely a private enterprise. But the nature and volume of the trade, both internal and foreign, that developed in South India in this period demanded cooperation among merchants on a bigger scale than there had been before. This kind of cooperation is to be found everywhere in economic life. As in the West of the High Middle Ages, conditions in South India at this time made cooperation indispensable. As Pirenne put it, 'maritime or land trade was possible only by grace of the mutual assurance an association inspired in its members, of the discipline which it imposed upon them, of the regulations to which it subjected them'.⁵ And so we find in the tenth century the emergence of organized mercantile communities, often described as guilds after their Western counterparts, whose strength grew almost parallel to the expansion of Cōla power. Indeed it would appear that the Cōla flag followed the merchant fleets of these communities.

Among the more powerful mercantile communities were the Aiññūruvar (also called the Ayyāvoḷe, Ticai-āyirattu-aiññūruvar and Nānātēciya-ticai-āyirattu-aiññūruvar), the Vīra Vaḷañciyar or Vaḷañciyar, the Nānādeśi or Nānātēciyar (sometimes identified with the Aiññūruvar), the Mañigrāmam (or

2. *Chau Ju-kua*, ed. F. Hirth and W. W. Rockhill (Amsterdam 1966), Intro. p. 19.

3. K. A. Nilakanta Sastri, *The Colas* (Madras 1955), pp. 605-606.

4. *Ibid.*, pp. 607-608.

5. H. Pirenne, *Medieval Cities: Their Origins and the Revival of Trade* (5th ed. Princeton 1948), p. 119.

Vaṇikgrāmam) and the Nakarattār.⁶ With them were associated a large number of professional groups and mercenary bodies. They have left behind a considerable number of inscriptions in the South Indian languages and these constitute the main source of our knowledge of their activities.

There is little doubt that the increased volume of internal and foreign trade in the Cōla empire was largely handled by these mercantile communities along with the West Asians. These communities claim in their inscriptions that they carried on their trade activities in a large number of countries and that by land routes and water routes they penetrated into the regions of the six continents.⁷ That these claims were not empty boasts is seen from the fact that their records have been discovered in Ceylon, Burma, Thailand, Indonesia and China, in which places they had established some of their settlements. Already in the ninth century, the Maṇigrāmam had a trading settlement in Takuapa, the ancient Takkola, in Thailand.⁸ In the eleventh century the Nānā-deśi had established themselves in Pagan,⁹ Burma, while the Aiññūruvar had gained a foothold in Sumatra, Indonesia.¹⁰ It appears that some of them had ventured even beyond the Straits of Malacca and established themselves at some ports in China.¹¹ And, as Nilakanta Sastri surmises, 'it is possible that small settlements of these traders were found in all important entrepots of the Persian Gulf' as well.¹²

CEYLON

The commercial developments in South India had their natural effects in Ceylon and, from the tenth century, South Indian mercantile communities entered into the island's trade in a more conspicuous manner. The island's internal and foreign trade in the eleventh and twelfth centuries appears to have been much more important and extensive than has been hitherto thought. But in this matter the extant sources cannot give even an approximate idea of the true state of affairs. This is not surprising, for, on the one hand, the monastic and other religious institutions, from which most of our documents, literary as well as epigraphic, emanate, had little to do with trade and, on the other,

6. The transcription of these names is from the Tamil forms but in some cases the more familiar forms (like Nanadesi and Manigramam) have been retained in order to avoid any confusion. For a detailed account of these communities, see A. Appadorai, *Economic Conditions in South India*, Vol. I (Madras 1936), pp. 391-402.
7. *Epigraphia Carnatica*, IV, ed. R. Narasimhachar (Bangalore), Hg. No. 17; VII, Inscr. No. 118 from Shikarpur Taluq.
8. K. A. Nilakanta Sastri, 'The Takua-pa (Siam) Tamil Inscription', *Journal of Oriental Research* (Madras), VI, pp. 229-230.
9. E. Hultasch, 'A Vaishnava Inscription at Pagan', *Epigraphia Indica*, VII, p. 197.
10. K. A. Nilakanta Sastri, 'A Tamil Merchant Guild in Sumatra' *Tijdschrift Voor Indische Taal-, Land- en Volken Kunde*, LXXII, 1932 (Batavia), p. 314.
11. J. Filiozat, 'Research in South-east Asia and in the Far East'. *Proceedings of the First International Conference-Seminar of Tamil Studies* (Kuala Lumpur 1968), I, p. 12.
12. K. A. Nilakanta Sastri, *The Colas*, p. 608.

we have only a few documents directly handed down from the merchants and traders. Most of their documents were meant to be records of pious donations to religious institutions rather than documents relating to trade.

The literary sources provide little information on the trade of the island during this period. But we have about thirteen epigraphic records which refer to the activities of the more important South Indian mercantile communities that had come over to Ceylon. In the inscriptions of the earlier period, we get references to the local corporate trading organizations, called *puga* and *nigama*,¹³ but in the records of this period references to indigenous bodies of traders or merchants are sadly lacking. It is, therefore, not known whether there were organized Sinhalese mercantile communities which participated in the trade of the island, especially the overseas trade. Whether the Sinhalese showed little inclination to participate in an organized manner in the overseas trade or not (it is even possible that they could not compete with the foreign merchants), an examination of the inscriptions of the South Indian mercantile communities in the island leaves one with the impression that the Indo-Ceylon trade at least was allowed to fall into the hands of the South Indian mercantile communities, as was the case in the later centuries. Indeed one is tempted to conclude that the Muslim traders from the South Indian ports who established their settlements in the main ports as well as in the market-towns in the interior of the island after the thirteenth century, were only taking over from the earlier Hindu traders from South India.

THE MERCANTILE GROUPS

One of the earliest South Indian mercantile communities to gain a foothold in the island was the Maṅgrāma. In South India its activities extended over a wide area and are referred to in inscriptions from several places in the modern Kerala and Tamilnadu states.¹⁴ These records range from the ninth to the fourteenth century. As noticed earlier, in the ninth century members of this community were engaged in activities in the Thai port of Takua-pa. In Ceylon we get evidence of their activities in the interior market-town of Hopitiḡamu, near Mahiyangana, in the middle of the tenth century. The Badulla Pillar Inscription of Udaya IV (946-954) refers to them as Vanigrāma, a variant

13. S. Paranavitana, *Inscriptions of Ceylon, I, Early Brahmi Inscriptions*, Inserr. Nos. 135, 138, 320, 553, 662, 696a, 726, 1182-1198; S. Paranavitana, 'Tonigala Rock-Inscription', *EZ*, III, p. 181.

14. A. Appadorai, *op. cit.*, pp. 398-402.

form of Maṅṅrāmam.¹⁵ This variant form occurs in contemporary Tamil literature as well.¹⁶

The most prominent of the mercantile communities of the eleventh and twelfth centuries was the Aiññūruvar. This community was always associated with a large number of other mercantile and professional groups. In many of their inscriptions from South India as many as forty-six bodies are listed among their associates. This community, therefore, seems to have occupied a supreme position among the professional bodies in the ports and market-towns and acted as their leader, exercising much power and influence over them. Like the kings of that time, they had their own *praśasti* or eulogy, with which most of their records commence. In Ceylon records of this powerful community have been found at Vahalkada, Viharehinna, Padaviya, Ilakkattu-Eba, Ataragalla and Anaulundava. Some of these records contain their eulogy. But this eulogy is a shorter version of the one appearing in their Kannada records in South India.¹⁷ The eulogy is followed by a list of other mercantile and professional bodies which were associated with the Aiññūruvar in the island. This list is not as long as the one in their South Indian records. Among those mentioned in the list are the Vaḷaṅciyar, Nānādeśi, Virakkoṭiyar, Ceṭṭi, Ceṭṭiputtirar, Vaḷaṅkai, Aṅkakkārar, Āvaṅkakkārar, Iḷaṅciṅkam and the Koṅkavālar.

The Vaḷaṅciyar (the Baṅaṅṅigas of the Kannada inscriptions) were an influential body among the South Indian communities in Polonnaruva and are mentioned in the Vēḷaikkāra inscription at Polonnaruva as well as in some of the records of the Aiññūruvar.¹⁸ It is not known whether all the Vaḷaṅciyar merchants in Ceylon belonged to one organized group. There was, however, one group of Vaḷaṅciyar merchants who called themselves the Teṅṅilaṅkai Vaḷaṅciyar (the Vaḷaṅciyar of Southern Laṅkā, i.e. Ceylon).¹⁹ The Tanjore District of Tamilnadu was included in the sphere of activity of this group.²⁰

The Nānādeśi community which, like the Vaḷaṅciyar and the Aiññūruvar, seems to have originated in the Kannada country (Mysore State), is mentioned

15. S. Paranavitana, 'A Revised Edition of the Badulla (Horabora) Pillar-Inscription', *Epigraphia Zeylanica (EZ)*, Vol. V (Colombo) p. 182. It is Paranavitana's view that this Vaṅgrāma is the same as Skt. *vaṅig-grāma* and that 'the Tamil *Maṅṅrāmam*... is doubtless a corruption of Skt. *vaṅig-grāma*' (Ibid., p. 190, n. 6). The equation of Vaṅgrāma with Maṅṅrāmam need not be contested, for the alternative form of *vaṅikkirāmam* (also read as *vaṅikkirāmam*) occurs in Tamil literature. The *va* and *ma* do sometimes interchange in the Dravidian languages. Further, the occurrence of this term as a group name in a period when the Maṅṅrāmam were active in South India and outside also helps to identify the group as the Maṅṅrāmam.
16. *Tolkāppiyam: Naccinārkkiniyar Urai*, (Tanjāvur 1962), Poyariyal, *sūtra* II, p. 173.
17. *Epigraphia Carnatica*, X, Inscription No. 170 from Kolar.
18. S. Paranavitana, 'The Polonnaruva Inscription of Vijayabahu I', *Epigraphia Indica*, XVIII, pp. 337-338. The other inscriptions are unpublished.
19. Inscription from Tirukkannapuram, Nannilam Taluk, Tanjore District—*Annual Report on Epigraphy for 1922*, (Madras), Inscr. No. 505, p. 32.
20. The name Teṅṅilaṅkai (Southern Laṅkā) was given to Ceylon to distinguish it from Uttara-Laṅkā (Northern Laṅkā) in South India (Inscr. No. 58 of 1908 in the South Indian epigraphical collection).

in a Sinhalese inscription as well.²¹ Anuradhapura and Padaviya were among the places where they were active. The Virakkotiyyar, who do not appear to have been a very prominent trading body in South India, are mentioned several times in the Ceylonese records.

The Ceṭṭi, who are mentioned in a number of inscriptions, appear to have been a caste of traders, as in modern times, rather than an organized mercantile community. They were traders as well as money-lenders.²² Several place-names in the North-Central Province and the North Western Province have *ceṭṭi* as their first element. These appear to have been the result of Ceṭṭi settlements in the places represented by them and date from the eleventh and twelfth centuries. The Ceṭṭiputrar (literally sons of Ceṭṭi) who are always associated with the Aiññūruvar, may also have been traders, but no evidence is available regarding the nature of their activities.

The Nāṅku-nāṭu (identifiable with the Nāṅku-nāḍu of the Kannada inscriptions) were among the South Indian mercantile communities that were established in Ceylon before the Cōla conquest. An inscription of the late ninth or the tenth century refers to their activities at Anuradhapura.²³

Among the mercantile communities who were not closely associated with the Aiññūruvar were the Nakarattār (literally, 'Those of the City'). That they were an influential community is known from the Vēlaikkāra inscription at Polonnaruva.

TRADING ACTIVITIES

The evidence of the Ceylonese records of the South Indian mercantile communities is not sufficient to determine the part played by them in the internal and foreign trade of the country. However, the impression that one gets when examining these records is that they played a considerably important role in the trade of the times.

The South Indian inscriptions of these communities refer to their trade in superior elephants, well-bred horses, precious stones of all sorts, spices, perfumes and drugs.²⁴ But their records in Ceylon provide hardly any information on their merchandise. The edict of Parākramabāhu I at Nainativu (Nagadipa), which was addressed to the foreign traders who frequented the port of Urātturai (Sinh. Urātoṭa, modern Ūrkāvārrurai/Kayts), refers to trading vessels which brought to the king elephants and horses, two of the major commodities in which the

21. D. M. de Z. Wickremasinghe, 'The Slab Inscription Marked D/8 of Queen Lilavati', *EZ*, I, p. 180.

22. A. Appadorai, *op. cit.*, pp. 379-380.

23. *South Indian Inscriptions*, IV, ed. H. Krishna Sastri (Madras 1923), Inscr. No. 1403; K. Indrapala, 'Anurātapurattilulla Nāṅku Nāṭṭār Kalveṭṭu', *Cintana*, I, No. 4, Jan. 1968 (Peradeniya), pp. 31-35.

24. *Epigraphia Carnatica*, Inscr. No. 118 from Shikarpur Taluq.

Aiññūruvar claim to have traded.²⁵ The horse trade was in all probability in the hands of the Arabs, although references are not lacking in the South Indian inscriptions to 'Ceṭṭi dealers in horses' (*kutiraic-ceṭṭi*).²⁶ Possibly the elephant trade was shared by the South Indians, Sinhalese and South-East Asians. The South Indians possibly had a share in the gem trade as well.

Whatever may have been their role in the foreign trade of the island, these South Indian communities undoubtedly played an important part in the internal trade, and for this there is some evidence in their local records. The fact that all their records have been discovered in the interior, in ancient towns like Anuradhapura, Polonnaruva and Padaviya and in other places, which were also possibly market centres of that time, indicates that they were concerned with the internal trade.

As in many other countries in this period, it appears that the greater part of the internal trade of the island was carried on at fairs and market-towns. These must have been the main channels of commercial intercourse. The South Indian mercantile communities seem to have played a role of some importance in the setting-up and organization of these fairs and market-towns.

In their records there are two important terms which, if clearly understood, are likely to throw an important light on the nature and organization of these centres of trade. These terms occur in the inscriptions of the Aiññūruvar, both in South India and Ceylon. One is *erivira-paṭṭanam*. *Paṭṭana* or *paṭṭanam* stands for a township or city in most of the Indian languages. *Erivīrar* (lit. 'warriors who throw', i.e. those who were adept in the art of throwing javelins, etc.) refers to a class of warriors who were associated with the mercantile communities. *Erivira-paṭṭanam* has been generally interpreted as a 'mercantile town'.²⁷ The records of the Aiññūruvar refer to their declaring certain towns as *Erivira-paṭṭanam*.²⁸ From the context, there is little doubt that these were market-towns, probably protected by the *Erivīrar*. But it must be admitted that there is a lack of clarity as to the nature of these towns. That the South Indian mercantile communities created such towns in Ceylon, too, is known from the Vahalkada inscription. At Vahalkada there was a town named *Kaṭṭanēri* which was declared a 'Nānātēciya-vira-paṭṭanam', where certain measures were taken by the 'Ceṭṭi of the Eighteen Countries and the *Virakkoṭi* so that this town may not be destroyed'.²⁹ Possibly such towns were also set up in the other

25. K. Indrapala, 'The Nainativu Tamil Inscription of Parakramabahu I', *University of Ceylon Review*, XXI, No. 1, April 1963, p. 70.

26. Inscr. No. 556 of 1904 in the South Indian epigraphical collection.

27. T. N. Subramaniam, *South Indian Temple Inscriptions*, III, Part 2 (Madras 1957), Annexure, p. xv.

28. *Annual Report on Epigraphy for 1913*, p. 42, Inscr. No. 342 of 1912 in the South Indian epigraphical collection; *Epigraphia Carnatica*, VIII, p. 89 of the text.

29. Unpublished inscription. The relevant phrases are: *Kaṭṭanēriyāna Nānātēciya-virapaṭṭanam* (line 33) and *Paiññepūmi-nāttuc Ceṭṭikalum Virakkoṭoyōmum ip-paṭṭana[m] alivupaṭāṭākātenru varanmuraṣi iṭṭamakka* (Lines 35-36). *Erivira-paṭṭanam* is sometimes referred as *Virapaṭṭanam*.

places where records of these mercantile communities have been discovered. We do not know how these towns were organized but from the South Indian records we find that each such town had an official called the Paṭṭaṇa-svāmi (Lord of the Town) at its head. It is reasonable to assume that a similar set-up obtained in those *Erivira-paṭṭaṇam* created by the Aiññūruvar in Ceylon. These market towns were evidently permanent centres of trade, where a degree of security was ensured by the warrior or mercenary bodies which seem to have protected them.

The other term *tāvaḷam* seems to refer to centres of trade where distribution and exchange took place at periodical gatherings of traders. This term crept into contemporary Sinhalese usage as well, thus providing an indication of the kind of South Indian influence that was felt in the commercial sphere in the island.³⁰ Paranavitana's interpretation of this term as referring to a place where bands of travelling traders halted for exchange of goods seems to be tenable.³¹ As he has pointed out, the Tamil word *tāvaḷakkārar*, meaning 'traders from distant parts' or 'those who keep oxen for carrying burdens', provides a clue to the meaning of the term *tāvaḷam*.³² In the eulogy of the Aiññūruvar found at the beginning of their records from Vahalkada, Padaviya and Viharehinna, there is a reference to the 'sixty-four *kaṭikai tāvaḷam*' and to the '*ceṭṭi* of the *tāvaḷam*' or the '*ceṭṭi* who flourish in the *tāvaḷam*'.³³ These seem to be references to the several *tāvaḷam* set up by the Aiññūruvar.

In the organization of the internal trade of the South Indian communities, the *erivira-paṭṭaṇam* and *tāvaḷam* may have played a central role. Such trading centres were possibly built by them along their trade routes or were established alongside earlier centres. There is, however, a lack of definite information on this point.

OTHER ECONOMIC AND ADMINISTRATIVE ACTIVITIES

Apart from trade, the other economic activities in which these South Indian communities were engaged are not clearly known. Prosperity in purely mercantile activities resulting in the accumulation of wealth normally leads to banking activities on the part of the successful merchants. These South Indian mercantile communities were no exception to this rule; and we find that at least one of these communities, the *Ceṭṭi*, were functioning as financiers or money-lenders, an activity for which they became well known in later times.

30. S. Paranavitana, 'Galapata Vihara Rock Inscription', *EZ*, IV, p. 205. The word *tāvaḷama* occurs in modern Sinhalese too. It means 'a number of oxen laden with merchandise' or 'a station on the frontier for the sale or exchange of commodities'.
31. S. Paranavitana, 'Civilisation of the Polonnaru Period: Political, Economic and Social Conditions', *University of Ceylon History of Ceylon*, I, Part 2 (Colombo 1960), p. 550.
32. S. Paranavitana, 'Galapata Vihara Rock Inscription', p. 209, n. 4.
33. Unpublished inscriptions. The relevant phrases are: *Aru pattu-nāṅku kaṭikai-tāvaḷamum tāvaḷattu vaḷarkinra Ceṭṭiyum* (Vahalkada, lines 7-8).

A tenth-century inscription refers to such activity on the part of members of the Ceṭṭi community at Anuradhapura.³⁴ It is possible that the other South Indian mercantile communities were also engaged in similar activities.

It is the general view that the king enjoyed the monopoly of minting and issuing coins. There is, however, some evidence in one of the records of the Aiññūruvar which seems to indicate that the South Indian mercantile communities or their associates enjoyed some kind of privilege regarding the minting of coins. The Vahalkada inscription mentioned above refers to an associate of the Aiññūruvar as 'Akkacālai Vikkiramātittaṇ' (Vikkiramātittaṇ of the Mint). It may mean either that this person owned a mint or that he worked at a mint. In either case, it would be difficult to dispute the fact that minting of coins formed one of the activities of some members of the South Indian communities under discussion.

As in Europe during the Middle Ages, when a town protected its citizens by methods which would now be considered appropriate only to a sovereign state, particularly by the use of reprisals, in South India the *erivīra-paṭṭanam* of the, Aiññūruvar protected its residents and conferred certain privileges on them.³⁵ When the Nānādeśi, for instance, converted Kāṭṭūr into a *vīrapaṭṭanam*, they exempted its inhabitants of all communal contributions and declared that the town was 'not to be inhabited by such members of the mercantile classes (1) as demanded taxes or tolls by threatening people with drawn swords or by capturing them and (2) as wantonly deprived people of their food or otherwise afflicted them'.³⁶ It was also resolved that those who offended against this declaration were to be excommunicated.³⁷ It may not be wrong to assume that the *erivīra-paṭṭanam* set up by the South Indian mercantile communities in Ceylon also extended such protection and privileges to their inhabitants. Although the evidence on this point is not adequate, our sources indicate that these South Indian communities in Ceylon did enjoy powers and privileges similar to those enjoyed by the mercantile communities in South India. In South India, for instance, these communities had a share in the collection of tolls, taxes and rates.³⁸ In Ceylon we find that the Nānādeśi enjoyed such a privilege at Anuradhapura. A Sinhalese inscription of the twelfth century informs us that they had a customs-house at Anuradhapura.³⁹ Similarly, the Mañigrāmam seem to have enjoyed the same rights that they enjoyed in South India. The Kottayam Plates of Vīra Rāghava and Sthānu Ravi give details of the honours and

34. K. Indrapala, 'Two Inscriptions from the Hindu Ruins, Anuradhapura', *Epigraphia Tamilica*, I, Part I, pp. 4-5.

35. T. V. Mahalingam, *South Indian Polity*, (Madras 1955), p. 392.

36. T. V. Mahalingam, *op. cit.*, p. 392.

37. *Ibid.*

38. *Epigraphia Carnatica*, VII, p. 159 of the text; *ARE* for 1912, p. 32, No. 377 of 1911; *ARE* for 1919, pp. 15, 19, Nos. 9 of 1918-19 and 216 of 1918.

39. D. M. de Z. Wickremasinghe, *op. cit.*, p. 180.

privileges enjoyed by the Maṅgrāmam in Kerala. Among these was a privilege that they had regarding the investigation of crimes. According to the above plates, 'should they themselves commit a crime, they are themselves to have the investigation of it'.⁴⁰ That such a privilege was enjoyed by the Maṅgrāmam of Hopitiḡamu in Ceylon is evident from the Badulla inscription.⁴¹

EMPLOYMENT OF MERCENARIES

These mercantile communities were very closely associated with a number of communities given to martial pursuits. Among them were the Eṅvīrār (Warriors who were adept in throwing javelins, etc.), Muṇaivīrār (the Vanguard), Iḷaiṅka-vīrār (Warriors with the valour of young lions), Koṅka-vālar (Swordsmen of the Kongu country), Mummuri-daṇḍa (Three-fold Army?) and the well known Vēlaiṅkārar. Like the Vēlaiṅkārar, probably the others were also mercenaries. They were no doubt employed by the mercantile communities to protect their merchandise, endowments and trust properties. They may be compared to the merchant troops of medieval Europe. Pirenne's conjectural description of these merchant troops may apply equally well to the mercenaries that were employed by the South Indian mercantile communities:

"They should be pictured as armed bands, the members of which, equipped with bows and swords, encircled the horses and wagons loaded with bags, packs and casks.....A chief, the Hansgraf or the Doyen, exercised his authority over the company. This latter was composed of 'brothers', bound together by an oath of fidelity".⁴²

The Vēlaiṅkārar and other mercenary troops were bound together, like the company of 'brothers', by an oath of fidelity.⁴³ The Vaḷaiṅciyar-cēṅāpati (the Army Commander of the Vaḷaiṅciyar Merchants) and the (Nānā)deṣi-daṇḍanāyaka (the Army Commander of the Nānādeṣi Merchants) were probably the counterparts of the Hansgraf or the Doyen.⁴⁴ Apart from employing these mercenaries for protecting themselves and their properties, the mercantile communities appear to have also supplied them to kings and institutions needing the services of the mercenaries.

SOCIAL AND RELIGIOUS ACTIVITIES

Mercantile communities in all countries at all times have been among the leading benefactors of religious institutions as well as agencies by which distress was relieved. Most of the records of the South Indian mercantile communities in the island are those relating to religious grants. These communities

40. A. Appadorai, *op. cit.*, pp. 401-402.

41. S. Paranavitana, 'A Revised Edition of the Badulla (Horabora) Pillar-Inscription, p. 190.

42. H. Pirenne, *op. cit.*, p. 121.

43. S. Paranavitana, 'The Polonnaruva Inscription of Vijayabahu I', p. 337.

44. Unpublished Vahalkada inscription. T. V. Mahalingam, *op. cit.*, p. 393.

figure very prominently among the donors of bells, lamps and money to some of the Hindu temples at Padaviya and elsewhere.⁴⁵ One of the minor mercantile communities, the Nāṅku-nāṭṭār, even helped to erect a Buddhist temple at Anuradhapura.⁴⁶

Erection and maintenance of alms-houses and inns or resting-places were among their other activities which exhibit their care for the unfortunate. In the time of Queen Lilavati (1197-1200, 1209-1210, 1211-1212), for instance, the Nānādeśi used the proceeds from one of their customs-houses for the maintenance of an alms-hall at Anuradhapura with supplies of spice and other requisites.⁴⁷ As in South India, the Aiññūruvar built inns or resting-places called Aiññūruvan-ampalam.⁴⁸

These mercantile communities played an important role in the society of the South Indian settlers in the island. As in South India, in Ceylon, too, they were considered to be the leaders of certain other Dravidian communities. In the eleventh and twelfth centuries, and in fact till recent times, the various castes of the Dravidian areas of South India were divided into two major sections, called the Iṭaṅkai (Left Hand) and the Valaṅkai (Right Hand).⁴⁹ These two sections were found in Ceylon, too.⁵⁰ Certain mercantile communities were considered to be the heads or leaders of these sections. In the case of the Valaṅkai the Nānādeśi and the Vaḷaṅciyar were among their leaders, while the Iṭaṅkai had the Nakarattār as one of their leaders.⁵¹ That such a social structure obtained even among the Dravidian communities of Ceylon becomes clear from the Vēḷaikkāra inscription at Polonnaruwa. This record states that the Vēḷaikkāra troops at Polonnaruwa were drawn from the Valaṅkai, Iṭaṅkai and other sections of the society and that the Vaḷaṅciyar were the leaders of a section of the Vēḷaikkāra forces and implies that the Nakarattār were the leaders of another section.⁵²

As the leaders of other Dravidian communities, the mercantile communities enjoyed a prominent position in their society and were invited for important meetings called by the others. There are many instances in the South Indian records of the Aiññūruvar presiding over meetings at which the affairs of other

45. K. Indrapala, 'An Inscription of the time of Rajaraja I from Padaviya', *Epigraphia Tamīlica*, I, Part 1, p. 34. Unpublished inscriptions from Padaviya.

46. *South Indian Inscriptions*, IV, No. 1405; K. Indrapala, 'Anuradapurattilulla Nāṅku Nāṭṭār Kalveṭṭu', p. 35.

47. D. M. de Z. Wickremasinghe, *op. cit.*, p. 180.

48. *South Indian Inscriptions*, IV, No. 1415.

49. B. A. Saletore, *Social and Political Life in the Vijayanagar Empire*, II (Madras 1934), pp. 68 ff.

50. S. Paranavitana, 'The Polonnaruwa Inscription of Vijayabahu I', p. 337.

51. *Epigraphia Carnatica*, XI, p. 61 of the text; *The Imperial Gazetteer of India*, XVIII, pp. 198-199.

52. K. Indrapala, 'Some Medieval Mercantile Communities of South India and Ceylon', *Journal of Tamil Studies*, II, No. 2, Oct. 1970 (Madras), pp. 33-34.

associate communities were settled.⁵³ In Ceylon, the Vaḷaṅciyar and the Nakarattār were invited for meetings of the Vēḷaikkārar and possibly of certain other communities.⁵⁴ It appears that they exercised some degree of control over the activities of the other communities associated with them.

RELATIONS WITH THE STATE

This brings us to the question of their role, if any, in the politics of that time. The economic power of such communities led by necessity to political influence, which the South Indian mercantile communities may have exerted in some instances.

We have seen that the South Indian mercantile communities were closely associated with the mercenary troops in the island. The Vēḷaikkāra army, or some of the component groups in it, considered the Vaḷaṅciyar, and possibly the Nakarattār, to be their leaders. These two mercantile communities were invited for important deliberations of the Vēḷaikkārar. Many other mercenary or warrior groups, like the Erivīrar, Muṅaivīrar, Koṅkavaḷar, ḷaṅciṅkavīrar and the Mummuri-daṅḍa, were also closely associated with the mercantile communities and are mentioned often in the records of the latter. In the light of these facts one wonders whether in the eleventh, twelfth and thirteenth centuries mercenary troops were brought to the island from South India by the mercantile communities and supplied to the princes and institutions needing their services. In the period before the ninth century, aspirants to the Sinhalese throne as well as dispossessed rulers often escaped to South India, from where they collected mercenary troops and came over to the island to capture power or to regain the throne.⁵⁵ But in the period after the ninth century, the local sources do not refer to such instances of mercenary troops being brought by Sinhalese royalty. Yet, there were mercenaries in the employ of the Polonnaruva kings and they were a powerful factor in the politics of the day. The Vēḷaikkāra army in particular wielded much influence in the reign of Vijayabahu I (1055-1110) and later.⁵⁶ There were occasions when it rose against the king.⁵⁷ Considering the relationship that existed between the mercenaries and the mercantile communities at this time, it appears that the former were brought to the island by the latter. This may be one reason why the Vēḷaikkārar, or at least an important section of this army, looked up to the Vaḷaṅciyar merchants as their leaders. The activities of the mercenaries seem to have had the sanction and guidance of the mercantile communities. If this were true, the

53. *Epigraphia Carnatica*, VII, p. 159 of the text.

54. S. Paranavitana, 'The Polonnaruva Inscription of Vijayabahu I', p. 337.

55. *Mahāvamsa*, ed. W. Geiger (Colombo 1950), 35:26, 27; 36:49; *Cūlavamsa*, ed. W. Geiger (Colombo 1953), 44:71, 105, 125, 129, 152, 45:18, 47:33-36, 46-57.

56. *Cūlavamsa*, 66:36; 63:24; 74:44.

57. *Ibid.*, 60:36; 74:44.

mercantile communities could be said to have exercised some degree of political influence through the mercenaries. In the absence of any direct evidence bearing on this point, one has to confine oneself to mere speculation.

For the greater part of this period, the relations between the state and these mercantile communities were most likely cordial. In view of the financial benefits which the ruler derived from the commercial transactions of these foreign mercantile communities, he was naturally interested in their protection and in the furtherance of their activities. Thus we find that Parākramabāhu I issued an edict inviting foreign merchants to trade in his ports and guaranteeing them protection.⁵⁸ This probably shows that there was no serious rivalry between the Sinhalese and foreign traders, at least in the twelfth century, and that foreign merchants enjoyed the protection of the state.

Yet the activities of such communities were naturally dependent on a high degree of political stability. As long as there was stability they could flourish and develop their trade. Such a stability was there in Ceylon till the end of the twelfth century. But from the end of that century the political upheavals that took place in the island and the consequent division of the island into a northern kingdom controlled mainly by foreigners and a south-western kingdom ruled by the Sinhalese must have seriously affected the activities of the South Indian mercantile communities. What part they played in the politics of the thirteenth century is not known. But their activities possibly provided the economic background to the rise of the northern kingdom, whose power and prosperity depended on the control of the overseas trade.

The political upheavals of the thirteenth century, both in South India and Ceylon, undoubtedly affected their activities in the Sinhalese kingdom, where their records are not found after the thirteenth century. The growing Arab competition was possibly an additional factor which brought about their decline and the final disappearance of their trade in the Sinhalese kingdom. Their activities perhaps continued a little longer in the northern kingdom.

58. K. Indrapala, 'The Nainativu Tamil Inscription of Parakramabahu I', p. 70.

THE FALL OF KANDY 1815: The Willerman Letters*

GEOFFREY POWELL

During the course of the night of February 11 1815, a patrol of Lieutenant-General Sir Robert Brownrigg's invading army, probed forward to Gannoruwa, on the outskirts of the city of Kandy, to confirm the rumour that the Kandyans had abandoned the batteries covering the river crossing and that Sri Wikrama Rajasinha had fled his capital two days before. The following morning the Malay soldiers of Major Moffat's advanced guard marched past Gannoruwa into the deserted city, passing also at the ferry the contorted bodies of some fifteen disloyal headmen of the Seven Korales impaled upon poles set up on either bank.¹ They were the final victims of the King's rage against his rebellious subjects. On February 18, he was captured in Upper Dumbara. The Sinhalese monarchy, which had existed for twenty-three centuries, had been brought to an end after a near-bloodless campaign. The eight columns of Brownrigg's 3,000 strong polyglot force of Europeans, Malays, Indians and Africans, converging upon Kandy from their starting points around the coast, had met with no more than nominal resistance during their march into the forbidding hills from which the Kandyans had in the past so often thrust invading armies.

An hour behind Moffat a single lame staff-officer arrived in the city. Major William Willerman, Brownrigg's Deputy-Quartermaster-General brought instructions from his commander to prohibit the entry of troops within the gates, other than as guards, so as to prevent damage to life and property.² The forty-one year old Willerman was, in effect, the senior operations and intelligence staff officer of the force. Born of a German-Swiss father and an English mother, his military career had started twenty-six years earlier in the Dutch Guards of the Prince of Orange. He had transferred into the British Army as a Lieutenant in the Royal Staff Corps in 1803 when the Duke of York, the Commander-in-Chief, raised the Corps in order to make good the deficiencies

*Unpublished Crown copyright material in the Indian Office Library reproduced in this paper appears by permission of the Controller of Her Majesty's Stationery Office.

1. Different numbers varying between thirteen and nineteen are given by Brownrigg in his despatches, reproduced as *Taking of Kandy by the British*, M.L.R.C., 1(9), Sept. 1893, 202-5; Captain L. de Bussche, *Letters on Ceylon*, J.J. Stockdale, 1817, 2; *A Narrative of Events in the Island by a Gentleman on the Spot*, T. Egerton Military Library, 1815, 20-1; Diary of Mr. John D'Oyly, ed. by H. W. Codrington, *J.R.A.S.(C.B.)*, 25(69), 1917, 202. The last named mentioned that one of the bodies was that of a Moorman.
2. *Taking of Kandy by the British*.

in the Royal Engineers, then a minute all-officer body, controlled by the Ordinance which ranked as a completely separate branch of the armed forces of the Crown. During more than two decades of near continuous warfare, Willerman had fought in Flanders, Sicily, Portugal, Spain and Holland; and the four outstanding British soldiers of the age—the Dukes of Wellington and York, Sir John Moore and Sir Ralph Abercromby—had all recognised his worth. He was a talented staff officer:

‘To an extensive acquaintance with the Greek, Latin, German, Dutch, Spanish and French languages, he added a correct knowledge of the principals of Mathematics and Astronomy. His talents in drawing, in perspective, his powers at seeing at a glance the features and bearing of a Country and combining their relative positions with scientific precision, his ardour in the pursuit of Geographical knowledge and felicity of execution of every species of Military Plan or Topographical Drawing were entitled to the rank and character of real genius’.³

Much of the credit for the able manner in which Brownrigg’s campaign had been planned must have been due to Willerman. A fellow Swiss on Brownrigg’s staff wrote that his ‘indefatigable enquiries and observations enabled him to gain a correct knowledge of the enemy’s country’. Because of this ‘the different divisions of the army were supplied with excellent charts, and the most distinct information respecting the strength of the passes leading into the interior, till then considered impregnable; such as the Balany and Idalgalsina Pass’.⁴ Ability did not, however, necessarily win professional advancement. In the Royal Staff Corps promotion was both rigid and slow; and even the approbation of the great could do little to help Willerman to climb to the high rank his talents merited.

Among a packet of miscellaneous papers which the India Office Library bought from the late Mr. D. S. Erulkar in 1964 are two of Major Willerman’s letters.⁵ The first he wrote two days after he entered Kandy, and the second five days after Sri Wikrama was captured. As far as can be ascertained, these letters have not previously been printed; and they add something to our scanty knowledge of the story of Sri Wikrama’s downfall. Both were addressed to Sir Alexander Johnston, the liberal-minded Chief Justice of Ceylon, who played such a major role in moulding the judicial system of the island. From the tenor of the letters, the two men seem to have been on friendly terms: and Johnston had asked Willerman to keep him in touch with the progress of the campaign.

In addition to Brownrigg’s official despatches,⁶ three eye-witness accounts exist of the capture of Kandy. De Bussche, who had been the Governor’s

3. John Penry Lewis, *Tombstones and Monuments in Ceylon*, (Government Printer, Colombo, 1913), 28.

4. De Bussche, 21.

5. The original documents now form part of the India Office Library’s collection of European manuscripts (MSS. Eur. D. 667).

6. Op. cit.

A.D.C., commanded the 8th Division which marched up from Negombo to Katugastota.⁷ The medical officer to the 1st Division, which pitched its tents outside the city boundaries on February 15, was Dr. Henry Marshall,⁸ while the notable Mr. John D'Oyly, soon to be appointed as the first Resident of the Kandyan Provinces, had (as Willerman confirms) entered the city with Moffat's troops.⁹ The interest in Willerman's account lies in the impact which the sight of the city made upon him. He saw what was 'in some respects magnificent (sic) City'. Between Gannoruwa and the Palace, he wrote, 'Houses with few interruptions line both sides of a broad and good Road', while the Palace appeared as 'a stupendous Pile of Buildings'. All this confirms what De Bussche had to say. He also mentioned the broad, straight streets (closely corresponding to the present-day lay-out of the city), and he described the houses as being low, but that 'some of them are very extensive and built close to each other'. The King's Palace was 'an immense pile of stone buildings, with numerous large courts'.¹⁰ As might be expected, the dry and impersonal narrative of D'Oyly tells us nothing about the city, nor does Marshall have anything to say on the subject.

There is a popular belief current to-day in some quarters in Ceylon that Sri Wikrama's capital was little more than a mud village, despite the work performed by the King in constructing the Lake and improving the Palace at such cost to his own popularity. The impressions of De Bussche and Willerman, both trained observers and the latter something of an artist as well, belie this.

The damage suffered by Kandy during its first few years of occupation by the British may have helped to popularise the view that the city was a place of little consequence. When Dr. John Davy described it in 1817, he wrote:

'Though from the time of our entrance into Kandy our object has been to improve the town, what we have done has generally had a contrary effect. We have pulled down much and built up little; and, taking no interest in the temples, we have entirely neglected their repair; the consequence is, that Kandy has declined very much in appearance during the short time it has been in our possession, and to the natives must seem merely the wreck of what it once was'.¹¹

This deterioration is depicted in the sketches which Dr. James Paterson, another army surgeon, drew in 1820.¹² In these the run-down appearance of the Palace area is only too apparent.

No Europeans were present when Ekneligoda and his Sabaragamuva followers captured Sri Wikrama on February 18. The sole eye-witness story

7. Op. cit.

8. Henry Marshall, *Ceylon*, (London, 1846).

9. Op. cit.

10. De Bussche, 82.

11. John Davy, *An Account of the Interior of Ceylon*, (London, 1821), 371.

12. Michael Tomlinson, 'Kandy in 1820,' *Times of Ceylon Annual*, 1958.

of the incident is that of Don V. Dias,¹³ the interpreter to Lieutenant-Colonel Hook's 1st Division. When it was published in English in 1896, its authenticity was challenged¹⁴ upon the grounds that Dias would have been about eighty years old when his account was supposed to have been written; that there was no trace of him in the records; and that the story disagreed in minor respects with that of De Bussche. Sir Paul Pieris readily accepted the Dias account,¹⁵ identifying the writer with Don William Dias Bandaranayaka, one of the three Muhandirams of the Gate in the year 1819. Some details may have been coloured by a fading memory, but the narrative certainly rings very true. Nor do any of the contemporary accounts, none of which were based on personal observation, differ significantly from the interpreter's story.

Willerman met the King at Teldeniya the day after he was captured;¹⁶ and his letter, as he says, was based upon his talk with D'Oyly. To all intents, his account of the King's capture is identical with D'Oyly's report,¹⁷ upon which Brownrigg's despatches were clearly based.¹⁸ Willerman's reaction to the magnetism of the King's personality is, on the other hand, interesting. With the exception of D'Oyly (that dullest of diarists), who mentioned only that the King showed 'no Symptoms of hurt Feelings or Depression at his Fate',¹⁹ every writer who met him described the influence of his *charisma* upon them.²⁰ Only Willerman, however, caught the resemblance to Charles James Fox.

Disease virtually annihilated both the British troops who invaded Kandy in 1803 and those who were engaged in repressing the Great Rebellion of 1817-1818. In contrast their casualties in 1815 were astonishingly few,²¹ but among them was Willerman. On June 13 1815, he died of fever in Colombo, his constitution sapped by the rigours of the campaign. Brownrigg's admiration for Willerman was such that he issued orders that his subordinate should be buried with the honours due to a general officer,²² the entire garrison attending the funeral. His services in the campaign were marked by brevet promotion

13. Two different translations were published in the same year: Don V. Dias, *Capture of Sri Wikkrama Rajasinha by the English*, M.L.R.C. 4(1), Jan. 1896, 20-2; and T. B. Pohath-Kehelpannala, *How the Last King of Kandy was Captured by the British*, J.R.A.S.C.B., 14(47), 1896, 107-14.

14. *Ibid* for discussion after the reading of T. B. Pohath-Kehelpannala's paper.

15. P. E. Pieris, *Tri Sinhala, The Last Phase*, (Cambridge, 1939), 158.

16. *Diary of Mr. John D'Oyly*, 213.

17. *Ibid*, 211-2.

18. *Op. cit.*

19. *Op. cit.*, 213.

20. Marshall, 166-72; Gentleman on the Spot, 31-4; William Granville, *Deportation of Sri Vikrama Rajasinha*, C.L.R. 3(11), Nov. 1934, 487-504, and 3(12) Dec. 1934, 543-50.

21. De Bussche, 67.

22. *Ceylon General Order*, June 13, 1815.

to the rank of lieutenant-colonel, but the award was not gazetted until a year after his death.²³

For a short time after he died, the infantrymen serving in the theatre had reason to remember his name. The locally-made waterproof groundsheets which they carried in the forest went by the name of 'Willermans'.²⁴ The obvious conclusion is that he invented the article—an indication that he understood the needs of the fighting man as well as the more recondite side of his profession.

King's Palace, Candy.
14th February 1815.

My dear Sir,

If I have delay'd until this day giving myself the pleasure of writing to you, according to your obliging Request—I may truly assure you, that my silence has not been caused by unmindfulness of the promise I then made of giving you some Account of our Transactions—I wished to have something interesting to communicate; but somehow or other I found myself on the 3rd Inst. on the Summit of Balany Mountains, without knowing how—or conceiving the possibility of the Kandyans having allowed one piquet on the preceding day to take possession, so very easily of a pass, which a Handful of men could defend against numbers.

— However, I did not the less enjoy the beautiful Prospects which surrounded us at our Camp of Amenoopeere,—they really will not admit of verbal Description—but sketches, yet (I am sorry to say) to be made, will I hope enable me to give you some Idea of them.—

— The rapidity of my march from Colombo, & the circumstance of my having actually followed on foot almost the whole way from Ruanwella, my perambulator—to ascertain the real distance of that difficult Route—so much impaired my Health, that when the Governor²⁵ arrived at the foot of the mountain, at Gannithenne: where a severe fit of the Gout detained him²⁶—I found myself quite unable to go down the Hill to meet His Excellency—circumstances which, at that critical moment gave me much anxiety—

— You will no doubt, ere this, my dear Sir, have heard, that probably in consequences of the premature advance of one or two of our Divisions,

23. *Ibid*, June 16, 1816.

24. *Ibid*, December 17, 1815, January 31, 1816, and December 21 1816.

a plan laid down, to seize the King's person & which was to have been executed on the night of the 12th Inst. completely failed²⁷—His Kandyan Majesty having fled from his Capital on the 10th—

— This we did not hear until the 12th—at least, not to a certainty—when Maj: Moffat's Division²⁸ moved into the desolate Capital—

— I followed him, an Hour after—and cannot describe my feelings at approaching this deserted, and yet, in some respects magnificent City—At Ganarhoa, where formerly Embassadors stopped—shocking vestiges of the Barbarity of the Kandyan Despot—increased my regret at the failure of our plan, and his Escape.

— Thence for miles—Houses with few interruptions line both sides of a broad and good Road, having on one side a steep hill covered with Jungle, on the other, a vale & paddy fields.—

— I continued my way thro' the deserted streets the dead silences of which was interrupted only by the feeble cries of parriah Dogs & puppies half starved & abandoned by their fugitive masters—and having at last arrived at the stupendous Pile of Buildings—so short a time before the Residence of a Tyrant—& where the cold Hand of Tyranny still appeared everywhere imprinted.—I met, in the dusk of the Evening a group of Europeans, which I recognized to consist of Mr. Doyly in his white Jacket, apparently much pleased—and of Major Moffat & another Officer—His small Division, I found was encamped at the Gates—

— Since then I have been much harassed by the necessary Arrangements for receiving the Governor—and for disposing of the 1st & 2nd divisions in, or about this Town. Good news has constantly been pouring in,—since our arrival—Major Kelly has *in fact*—taken hold near Hangrankate of a large Treasure, & of a number of Prisoners amongst whom, are supposed to be the King's mother & wives.²⁹ Major Mackay is also arrived in our neighbourhood—& everything has the appearance of going on well.³⁰

— Kandyans flock to swear Allegiance to our Adigar³¹—the other, as you will have heard—has also made His Submission; but is still at His Estate of Molligody³² near Gannithenne at the foot of the Hills.

— The place of the King's present Refuge is a matter of much uncertainty—small Divisions of Natives—and of Kandyans set off tomorrow morning with a view of intercepting Him—the success however appears to me most doubtful.

— I hope the state of fatigue of mind and body, which we are all in in a greater or less degree, will plead my excuse for troubling you with this uninteresting scrawl—but, tho' aware of my Inability to give you such an

Account of this short & bloodless Campaign—as I could wish—I did not like to delay longer.

— I shall be most happy if in exchange I am favoured with a good Account of yourself, & those around you—most particularly so; if it is such as to make me hope that there is much Improvement in Lady Johnston's Health.

Believe me dear Sir yr most sincere

W. Willerman

Kandy. 23rd Feb:
1815.

My dear Sir,

I scarcely know how to take up my pen *now*, to give you an Account of the Grant Event, which in the rapid scale of our Transactions, may already be called old news, altho' it took place 4 or 5 days ago; however having seen the Royal Captive, and perhaps collected particulars not generally known from Mr. Doily, who was with Him; I will venture to trouble you with a few lines—altho' it being late in the day, & I much harassed with assisting in the military Arrangements which the present circumstances render necessary—

— I can scarcely hope that they will be interesting.

— You will ere this, dear Sir, have heard that the Kandyan Despot was captured on the night of the 18th in a small Hamlet, about two miles from Medamahanowera—the place I used to mention to you, at your Teatable at Colpetty—He was in the disguise of a common Cingalese, & had scarcely any clothes on³³—Some of His Malabar Adherents when discovered—resisted, badly wounding with their pikes & swords two Cingalese—they in Return fired & mortally wounded one or two of them. The King then came out & gave himself up, with two of His four Wives—There were none of our Troops present, but some very near. In fact he was at the moment so surrounded—Maj: Mackay being at Paname—Capt. Anderson,³⁴ at or near Binteyne—Capt. Antill³⁵ at Kimbalgantotte, Lieut Mylius³⁶ with Malays in his immediate neighbourhood, & 3 whole divisions at or near Kandy.³⁷—that I had no doubt of the Event & looked very confidently to its happening a day or two sooner or later.

— Mr. Doily is of a different opinion & thinks, he might have held out much longer.³⁸

— This Gentleman took the King under the safeguard of the British Troops & conducted Him to Tildenny, a fine village about 14 miles from Kandy, in the Dumbera Dist.

— I went there to confer with Mr. Doyly respecting the best mode of conducting the King to Colombo—& it was determined he should not go thro' Kandy—I was admitted in the Rl. presence & surprised at seeing a handsome lusty man, of a rather prepossessing Aspect—not unlike Mr. Fox, I think—

— He complained to me of the Treatment he had met with one the part of the Cingalese³⁹—shewed me the marks of fetters on His Arms & was moved to Tears in so doing, but soon resumed an Appearance of something like cheerfulness. He enquired after the Governor's Health, & several Times laid a stress upon the hopes he had of being protected & suitably treated by the British Gov.⁴⁰

— I could not help, in some degree forgetting in his presence, his Tyranny, his cruelty, but a recollection of the sight I saw at Ganarhoa, enabled me to correct my Judgement & form a more accurate Estimate of the merits of the man before me—& yet, fallen Royalty certainly bears with it, a *something*, which against ones own better conviction—forces a certain degree of Interest & respect.

— The Captive commences his [illegible] tomorrow, proceeds thro' the Seven Korles & will arrive at Colombo, about the 2nd of March.

— Our good General is quite well, & gratified by the Events that have passed.

— It is extraordinary; but it is true—that with little Alteration of dates—the *Plan of Operations* of this Campaign may serve as the *History* of it.⁴¹—& yourself, dear Sir, well: I hope to have the pleasure of hearing from you soon & remain.

Yours very sincerely

W. Willerman

I must conclude my scrawl, the dispatch box being about to be closed.

— Allow me to repeat my sincerest good wishes, that this letter may find Lady Johnston in a much improved state of Health.

NOTES ON TEXTS OF LETTERS:

25. Lieutenant-General Sir Robert Brownrigg, K.B., Governor and Commander-in-Chief of the British Settlements in Ceylon.
26. Brownrigg suffered from gout in both the feet and the hands during this campaign and the 1817-1818 Rebellion.
27. This plan seems to have been concocted by Mr. D'Oyly and is described in a letter he wrote to Willerman on February 6 (*Diary of Mr. John D'Oyly*, 200-1): Kandy was to have been taken by a surprise night approach and February 8 or 9 was suggested as the date. D'Oyly, before the campaign started, had been responsible for relations with Kandy, but his task was largely aligned towards subversion and intelli-

- gence gathering. During the advance he had moved with the leading troops, ahead of Brownrigg's headquarters, negotiating with the leaders of Sri Wikrama's rebellious subjects and playing a staff officer's role in the co-ordination and execution of the military plans. Ambiguous though his task was, there is no indication of friction between him and the military.
28. Major Moffat, 1st Ceylon Regiment, commanded the advanced guard of the 2nd Division which started from Colombo.
 29. Major Kelly, 4th Ceylon Regiment, commanded the 3rd Division which started at Galle and entered Kandy by way of the Idalgashinna Pass. The women captured were not, in turned out, the King's mother and wives.
 30. Major Mackay, 3rd Ceylon Regiment, commanded the 5th Division which started from Trincomalee.
 31. Ehelepola, First Adigar to Sri Wikrama after the execution of Pilima Talauva, the elder. After intriguing with D'Oyly, he led an unsuccessful rebellion which resulted in his taking refuge in the British Settlements in May, 1814. He returned to Kandy with the invading forces.
 32. Molligoda who succeeded Ehelepola as First Adigar. He made a show of opposing the British advance in the Ruwanwella area and deserted to them on February 8.
 33. He was not disguised but had been stripped of his clothing by Ekneligoda's men, as had his women-folk.
 34. Captain Thomas Ajax Anderson, 19th Foot, commanded the 7th Division which started from Batticaloa. He had taken part in the 1803 war, and he was the author of two volumes of doggerel verse, *Poems Written Chiefly in India*, Philanthropic Society, 1809, and *A Wanderer in Ceylon*, T. Egerton Military Library, 1817.
 35. This was either John Collins Antill of the 2nd Ceylon Regiment, or Henry Antill of the 73rd Highlanders. The column was presumably the 4th Division which had started from Galle and Hambantota.
 36. Lieutenant Alfred Mylius, 2nd Ceylon Regiment. He belonged to De Bussche's 8th Division.
 37. The 1st, 2nd and 8th Divisions. The first two had started from Colombo and the 8th from Negombo.
 38. It is easy to understand D'Oyly's reservations. With the small number of troops available and the monsoon approaching, it could well have taken months to find the King.
 39. Dias describes the King being being tied with creepers and dragged along the ground into a field.
 40. When Colonels Hardy and Hook rescued the King from his subjects, he confided in Dias that the British would kill him but would not harm his wives. It had not taken him long to gain conviction that he was in no danger.
 41. Willerman was justified in this. The campaign had gone as near as planned as any military operation is likely to.

THE JUDICIAL ADMINISTRATION OF THE KANDYAN PROVINCES OF CEYLON,

1815 - 1833.

VIJAYA SAMARAWEERA

I am confident that they [i.e. the Kandyans] place the most implicit faith and reliance in the strict and impartial mode of their administration on the several Courts of Justice in the Kandyan Country . . .

—J. Bone, Agent for Sabaragamuva, 8 Oct. 1829.¹

In Ceylon, as elsewhere in the colonial empire, judicial administration touched an important and a very sensitive area of contact between the colonial peoples and their British rulers. Even before they developed the concept of 'native administration', in their colonial administration in non-European territories the British paid the closest attention and emphasis on the proper distribution of justice among the colonial peoples. At times with the aim of providing improved methods of justice, and at other times moved by less laudable aims, British officials constantly endeavoured to reform colonial judiciatures, and it is generally true that no part of the government of the colonies underwent such frequent change and adjustment as the judiciary. The dictum of James Mill that 'the form of government is one, the nature of the laws is the other, of the two circumstances by which the condition of the people in all countries is chiefly determined',² could have well provided the guide line for the actions of the officials. More especially, a properly administered judiciary was viewed as the ideal means to create conditions conducive to better relations between the rulers and the ruled. 'The evils incident to a foreign yoke', a correspondent to the *Colombo Journal* published in Ceylon declared, 'we are bound to mitigate by affording the conquered the best possible means of administration of justice'.³ Charles Hay Cameron, an authentic representative of British liberal tradition, opined the same view more forcefully after investigating the judicial systems of Ceylon: 'Among all the duties incumbent on the British rulers in the East, it is impossible to name one more imperative than that of provid-

1. Bone to Colebrooke, 8 Oct. 1829, C[olonial] O[ffice] 416/19-G6, Public Record Office London.

2. D. Winch (ed.), *James Mill: Selected Economic Writings* (Edinburgh, 1966), p. 40.

3. *Colombo Journal*, 11 Jan. 1832.

ing for the effectual decision by public authority of the disputes arising among the poorer classes . . . There is no benefit which a European government can confer upon its Asiatic subjects of the poorer class so valuable, and no means by which it can secure permanance of its dominion so honourably and effectually as this, and it is a benefit which none but an European government can confer'.⁴ This was a view which was echoed and re-echoed throughout the empire. With their different concepts of law and order and justice, the British inevitably felt that to provide for improved judicial administration they should remove the traditional machinery they had inherited from the previous sovereigns and introduce in its place English forms, the acme of perfection from their point of view. Therein lay their dilemma: on the one hand, they completely reposed their trust and faith on English forms, but on the other, they were hesitant to call for precipitate changes in the indigenous judicial systems. Here, the crucial question unfolded itself: as Merivale phrased it in his *Lectures on Colonization*, 'how far, and in what mode, are natives, resident or found within the limits of an English colony to be brought within the pale of English law?'.⁵ This was a question which the colonial officials seldom succeeded in resolving satisfactorily. The traditional machinery was rarely rejected *in toto*, and the engrafting of the English forms upon this, to a greater or lesser degree depending upon the energies of the colonial officials and the conditions in which they functioned, produced in the empire that peculiar colonial hybrid that characterised judicial administration.

It is the aim of the present paper to examine this hybrid as it formed in the Kandyan Provinces of Ceylon and to evaluate its working in terms of the avowed aims of the rulers of the region.

The Kandyan Kingdom, the independent entity in the interior of Ceylon, was conquered by the British in 1815, thereby finally ending the resistance maintained by the Kandyans for over two centuries against the successive thrusts of the European rulers of the littoral.⁶ The Kingdom was formally ceded to the British by a Convention which was signed between the Governor,

-
4. Report upon the Judicial Establishments and Procedure in Ceylon, dated 31 Jan. 1832, in *Parliamentary Papers*, 1831/32, XXXII (274), 65. Cameron was a member of the Commission of Eastern Enquiry which reported upon Ceylon in 1829-31. His report constitutes an outstanding example of the application of Benthamite thinking in a strictly doctrinaire manner to reform a colonial judicature. On the commission of inquiry see, V. K. Samaraweera, 'The Commission of Eastern Enquiry in Ceylon, 1822-1837: A Study of a Royal Commission of Colonial Inquiry' (Oxford University D.Phil. thesis, 1969).
 5. H. Merivale, *Lectures on Colonization and Colonies* (reprinted, Oxford, 1928), p. 496.
 6. For the conquest see, P. E. Pieris, *Tri Sinhale and the Patriots: The Last Phase, 1796-1815* (Cambridge, 1939). For the diplomacy which preceded the conquest see, *Diary of Mr. John D'Oyly* (ed. H. W. Codrington, Colombo, 1917).

Sir Robert Brownrigg, and the Kandyan chiefs on 2 March 1815 at Kandy.⁷ The new territory was not annexed to the Maritime Provinces, which the British had been ruling since 1796, but was governed as a separate unit. The political settlement arrived at in 1815, which was largely shaped by the role played by the chiefs in the defeat of their King, Sri Vikrama Rajasimha (1798-1815), ensured the continuation of the traditional administration without much change. The King was replaced by the Governor, and he administered the new region through his personal representative, the Resident, and other 'accredited Agents'. Beneath this superimposed superstructure of a minority of British civil servants, the traditional hierarchy remained intact. Indeed, the Convention guaranteed to the 'Adigars, Dessaves, Mohatles, Corales, Vidhaans and all other chief and subordinate Native Headmen, lawfully appointed by authority of the British Government, the Rights, Privileges and Powers of their respective Offices, and to all classes of the people the safety of their persons and property, with their Civil Rights and immunities, according to the laws, institutions and customs established and in force amongst them'. Further, it was also declared that 'the administration of Civil and Criminal Justice and Police over the Kandyan inhabitants of the said Provinces is to be exercised according to established Forms and by ordinary authorities'. The acceptance of the traditional system was moved by the more immediate events in Ceylon, but by this time, particularly after the principle had been adopted as in the case of the French-Canadians in 1774, the continuance of the customs, habits and laws which existed under a previous sovereign by the British was followed almost as a matter of course by the imperial officials.⁸ The old order, however, was never unreservedly guaranteed to the colonial people; nor did the British generally abdicate the right and power they held to introduce changes as and when they deemed fit.⁹ Like in many other parts of the empire, in the Kandyan Provinces of Ceylon too the laws and customs repugnant to English precedents were removed: at the Convention itself it was announced that 'every species of bodily torture, and all mutilation of limb, member or organ, are prohibited and abolished'. On the other hand, while stating their intention of continuing the traditional modes of administration, the colonial officials carefully embodied in the Convention a declaration of

7. The Convention was proclaimed on the same date and thereby became a part of the law of the region. For the text see, W. Skeen (ed.), *Collection of Legislative Acts of the Ceylon Government from 1796* (Colombo, 1853), i, 180-182. On the legal status of the Convention see, I. Jennings, 'Notes on the Constitutional Law of Colonial Ceylon', *Journal of the Ceylon Branch of the Royal Asiatic Society*, n.s., I (1950), 61-63.

8. H. T. Manning, *British Colonial Government after the American Revolution, 1782-1820* (New Haven, 1933), p. 295.

9. This was particularly true after the judgement delivered by Lord Mansfield in *Campbell v. Hall* (1774) where the broad principle that the Crown possessed full legislative power in a conquered or ceded colony was qualified. c.f. K. Roberts-Wray, *Commonwealth and Colonial Law* (London, 1966), p. 157ff.

'the inherent Right of Government to redress grievances and reform abuses in all instances whatever, whether particular or general, where such interposition shall become necessary'.¹⁰

The working of the traditional machinery had virtually come to a standstill by the time the British forces completed their military operations in Kandy. The burden of organizing the administration fell upon the Resident. The choice for this post was obvious: John D'Oyly, who had played the key role in the diplomacy that preceded the conquest.¹¹ As the Resident, D'Oyly combined in his person the supreme political, executive and judicial powers of the territory.¹² He was provided with a separate establishment and two European Assistants, but as even a cursory glance at his *Diary* would reveal, in the period immediately after the conquest he was forced to undertake personally the brunt of the duties. Most mornings he devoted to deal with numerous complaints brought before him by the chiefs and the people of the areas neighbouring Kandy. The complaints concerned mainly petty conflicts and disputes relating to property;¹³ though it was a 'Time of Troubles', surprisingly few criminal cases were reported to him. Aside from these matters brought before him through the initiative of the Kandyanans themselves—which exemplified D'Oyly's personal popularity among them—the Resident was required by the Convention to try all capital offences¹⁴ and was also required to exercise a supervision over the local functionaries, both in their executive and judicial duties. A tentative decision was taken soon after the conquest to hand powers of magistracy over Kandyanans to the commandants of the military posts established in the outlying districts, but it was not carried into effect on the grounds that the exercise of an immediate authority over the local inhabitants by European officials would be 'wholly impracticable'.¹⁵ The Governor, however, held on a few occasions his own court in the Kandyan territory, mainly as *ad-hoc* tribunals dealing with disputed property.¹⁶

10. It was inevitable that this clause would be cited whenever any change or deviation from the Kandyan system was made. It was 'in fact the source of British jurisdiction', Sutherland to Judicial Commissioner, 30 Sept. 1816, C.O. 416/19-G4.

11. D'Oyly (1771-1824) initially served as a Collector in the Maritime Provinces, and in 1810 was appointed the Secretary to the Government and soon afterwards the Chief Translator. Brownrigg wrote of D'Oyly in glowing terms. 'The Political correspondence with the Kandyan Court', Brownrigg wrote to Lord Sheffield on 10 March 1815, 'has been conducted by him through all its intricacies in a manner highly creditable to his talents a[nd] to his ability a[nd] most zealous exertions I greatly attribute the success which has attended our operations here'. P. E. Pieris (ed.), *Letters on Ceylon, 1814-1824, being correspondence addressed to Sir John D'Oyly* (Cambridge, 1938), pp. 23-24. D'Oyly received a much belated knighthood in 1821 in recognition of his services.

12. Brownrigg to Bathurst, 15 March 1815, C.O. 54/55. D'Oyly was also made a member of the Governor's council for the Maritime Provinces to ensure co-ordination, and a separate Kandyan Department was set up in Colombo.

13. *Diary of Mr. John D'Oyly*, p. 234, 262, 263, 264 and 265.

14. Under the British, treason, homicide and murder were deemed capital offences, evidence of Downing, Judicial Commissioner, 12 Sept. 1829, C.O. 416/19-G4.

15. Brownrigg to Bathurst, 15 March 1815, C.O. 54/55.

16. *Ceylon Government Gazette*, 27 May 1816.

At the outset, the officials decided to establish a clear distinction between the judicial administration provided for the Kandyan and other colonial peoples and for the Europeans in the new territory, both in the procedure and in the application of the laws. Clause 9 of the Convention excluded from the restored machinery all those who were non-Kandyan. The definition of a Kandyman assumed a legal significance in view of this, but no attempt was made to formulate a definition either at the Convention or in the subsequent legal enactments. This of course gave a great deal of latitude to the judicial officials. They generally seemed to have acted on the basis that a Kandyman was a subject who lived within the boundaries of the Kandyman Provinces at the time of the conquest. This was no doubt a useful working definition, but legal problems arose then and in the following decades of the nineteenth century owing to the absence of a precise demarcation of the territory that came under the term Kandyman Provinces.¹⁷ The early British policy in Kandy worked towards the transformation of a territorial law into a personal law, for the Kandyman Kings had made no distinction between Kandyans and non-Kandyans in their judicial administration.¹⁸

At the Convention itself a procedure was laid down for the administering of justice for the non-Kandyans. All persons subject to military discipline were to be tried under 'the Laws, Regulations and Customs of War'. Civilians came under the jurisdiction of the accredited Agents in all civil and criminal matters. However, if any British subject (in contradistinction to a subject of His Majesty in the colony) was accused of a murder, he could be tried only under 'the Laws of the United Kingdom of Great Britain and Ireland in force for the trial of offences committed by British subjects in Foreign Parts'. Thus, in the Kandyman Provinces the British attempted to maintain distinct judicatures not only for the Kandyans and the non-Kandyans, but also for the Europeans and non-Europeans specifically in criminal matters of a grave nature. The clause of the Convention which related to separate judicial systems for the civilians was not favourably received by the home government. The Crown Law Officers in England, who pronounced on the legality of the Convention, held that the Governor possessed no power to create special tribunals by commission for trying British subjects, and declared that until His Majesty decides to accept either the whole or part of the laws of the Kandyans or substitute any other law, the traditional laws should be applied in all cases equally to Kandyans as to other subjects.¹⁹ The Secretary of State accepted this opinion, and the modification of the Convention this acceptance entailed was pro-

17. See, P. Arunachalam, 'Kandyman Provinces', *Journal of the Ceylon Branch of the Royal Asiatic Society*, XXII (1910), 103ff.

18. F. A. Hayley, *A Treatise on the Laws and Customs of the Sinhalese* (Colombo, 1923), pp. 25-26.

19. Robinson, Garrow and Sheppard to Bathurst, 14 Sept. 1815, C.O. 416/19-G3.

claimed by the Governor in Ceylon on 31 May 1816.²⁰ The adoption of the Kandyan laws and procedure, however, was undertaken only as a temporary measure, until 'the substitution of new Laws and Tribunals for the Trial and punishment of His Majesty's European subjects, for offences committed therein'. Later, after the Rebellion of 1818, certain courts of law were given specific jurisdiction over Europeans, but inexplicably no separate system of law was proclaimed with this community in mind. Therefore, as Hayley has pointed out, the Kandyan laws remained applicable to all persons within the Kandyan Provinces in terms of the Proclamation of 31 May 1816²¹—subject of course to the other conditions announced at the Convention.

A question of considerable importance was tied to the position of Europeans in the judicial administration of the interior: the status of the Supreme Court in Kandy. The Supreme Court was established in the Maritime Province by the Charter of Justice of 1801, and under its provisions the Court's jurisdiction could be extended to include 'Dependencies' of His Majesty's possessions in Ceylon.²² The judges of the Supreme Court demanded this extension after the conquest.²³ As the Crown Law Officers in England pointed out, the Supreme Court's jurisdiction could be extended over the new territory only if it was formally annexed to the Maritime Provinces: the manner in which it was conquered did not automatically reduce it to a dependency of the Maritime Provinces.²⁴ On this account, the High Court was excluded from the Kandyan Provinces.²⁵ This was welcomed by the Governor, who had considered that a 'very considerable period must elapse before His Majesty's new territory will safely admit the exercise of any authority, political, civil or judicial, which does not in a direct and ostensible manner emanate from the executive government'.²⁶ In the Maritime Provinces, the Supreme Court held an exclusive jurisdiction over the European community,²⁷ and if its powers were extended over the interior a convenient and tested means would have been made available to put into effect the initial decision to establish a separate judicature for the Europeans.

While these questions were being settled, D'Oyly proceeded with the task of giving back to the chiefs their judicial authority. The principal local

20. For the text see, Skeen, *op.cit.*, i, 190.

21. Hayley, *op.cit.*, p. 29.

22. Clause v of the Charter of Justice of 1801, Skeen, *op. cit.*, i, 33.

23. Brownrigg to Bathurst, 17 Nov. 1815, C.O. 54/57.

24. Robinson, Garrow and Shepard to Bathurst, 14 Sept. 1815, C.O. 416/19-G3.

25. Bathurst to Brownrigg, 13 Oct. 1815, C.O. 55/63.

26. Brownrigg to Bathurst, 15 March 1815, C.O. 54/55. This opinion of the Governor, if it is to be placed in its proper perspective, should be considered in the light of the competition for status and power that developed between the Governor and the Supreme Court owing to the absence of a proper delineation of their respective areas of authority. See, Samaraweera, *op.cit.*, p. 138ff.

27. Cameron's Report, *P.P.* 1831/32, XXXII (274), 67.

officials who had wielded judicial power under the old order were the Adigars (Sinh. *Adhikārama*). The British appointed two Adigars, Molligoda and Kapuwatte,²⁸ styled the First and Second respectively, who like the others appointed to leading local offices had collaborated with them at the time of the conquest. As in the Kandyan times, the Adigars held exclusive jurisdiction over the people subject to their peculiar authority—*Katubulla*, the messengers and *Kasakara*, the hipcrackers—and also held concurrent jurisdiction, both civil and criminal, with the Disava (*Disava*),²⁹ the rulers of the provinces to which the Kingdom had been divided. During the Kandyan times, the Adigars between them were in charge of prisoners and police duties throughout the Kingdom as well, but the British seemed to have relieved them of these duties.³⁰ Disavas possessed judicial authority over persons and lands within their respective districts, excepting those who were subject to special jurisdictions of other authorities. Disavas were appointed,³¹ but some officials had considerable misgivings about entrusting to them the full powers they had enjoyed under the Kings. These misgivings stemmed from a suspicion that Disavas would utilize their powers to oppress the people and to cause dissatisfaction among them against the new rulers,³² a suspicion which, as events were to show a few years later, was not groundless. The awareness of the officials that there were people who had not comprehended the nature and significance of the recent events, added a further note of caution.³³ It was D'Oyly who swayed the decision by arguing that the British were duty bound to restore to the chiefs their authority; and he expressed the opinion—shared by the Governor himself—that changes should be introduced only after careful study.³⁴ Yet, Brownrigg decided to keep back the Disavas in Kandy for a period of time to

28. *Ceylon Government Gazette*, 8 March 1815. Sri Vikrama had appointed a third *Adhikārama* but the British followed the more established policy of two Adigars.

29. The provinces were divided into two regions for this purpose. The First Adigar, who held precedence, had jurisdiction in the following provinces: Seven Kōralēs, Uva, Mātālē, Valapanē, Vellassa, Bintenna, Nuvarakālāviya, Tamankaduva, Hārispattu, Dumbara and Hēvahata; the Second Adigar: Four Kōralēs, Three Kōralēs, Sabaragamuva, Udapālāta, Udumuvara, Yatinuvara, Tumpanē, Kotmalē and Bulatgama. On the judicial powers of the Adigars, other officials and tribunals under the Kings see, Sir John D'Oyly, *A Sketch of the Constitution of the Kandyan Kingdom* (ed. L. J. B. Turner, Colombo, 1929), pp. 2-6 and 21-28.

30. Evidence of Downing, 12 Sept. 1829, C.O. 416/19-G3. Police regulations were enacted by the British for the towns of Kandy, Ratnapura and Kurunegala, *ibid.*

31. The first appointees were Pilima Talauve, Disava of Four Kōralēs, Kappitipola of Uva, Ratvatte of Mātālē, Molligoda of Three Kōralēs, Kobbakaduve of Valapanē, Unambuva of Udapālāta, Millave of Vellassa and Bintenna, Mattamagoda of Tamankaduva and Lemoke of Nuvarakālāviya. Molligoda, the First Adigar, was also appointed Disava of Seven Kōralēs, while the Second Adigar became the Disava of Sabaragamuva. *Ceylon Government Gazette*, 8 March 1815.

32. Hardy to Brownrigg, 12 June 1815 and Brownrigg to Bathurst, 20 July 1815, C.O. 54/56.

33. e.g. Sawers to Brownrigg, 5 June 1815, C.O. 54/56. c.f. Henry Marshall noted that the proceedings at the Convention 'evinced no concern' among 'the portion of the population which had returned to the town of Kandy'. H. Marshall, *Ceylon: A General Description of the Island and its Inhabitants* (London, 1846), p. 163.

34. D'Oyly to Brownrigg, 12 June 1815, C.O. 54/56.

avoid giving them an opportunity of levying fees (*dakum*) from the inhabitants of their respective regions as was customary with every new appointment under the old order.³⁵ Together with the Adigars and the Disavas, a host of minor judicial officials were restored to their offices, and the Kandyan judicial tribunals were brought back into operation. At the same time, a policy of appointing British officials with original judicial authority was inaugurated. The first significant step in this direction was the appointment of the First Assistant, Simon Sawers, as the accredited Agent at Badulla in the province of Uva on 22 April 1815. Uva was virtually unknown to the British—in the words of a later official, a 'terra incognita'.³⁶ The ties between the chiefs and the people of this region were exceptionally close, and rumours reached Kandy that a revolt was brewing there against the British under the influence of the chiefs, who viewed the new regime with little favour. Sawers' task was to restore order and to hear complaints and redress abuses; he was given the highest judicial authority excepting in the case of villages and people subject to the special jurisdictions of the Adigars and other chiefs.³⁷ The intrusion of the British official was not welcomed by the Disava and there was a possibility of a clash between the two developing as regards their respective authority. Brownrigg unhesitatingly accorded Sawers precedence in the region by a minute on 22 July 1815, and the firmness of Sawers averted a serious break.³⁸ Order was restored only at the expense of time, for Uva was to cause difficulties again to the British a few years later, and this time of a far greater magnitude. Brownrigg who was soon convinced that the restriction of the introduction of British officials with original authority into the interior had major drawbacks, decided to follow up Sawers' appointment with four other Agents in the north-western, north-eastern, south-eastern and south-western parts of the Provinces with executive, revenue and judicial powers. Once again D'Oyly protested on the grounds that it was an impolitic and expensive measure, and it was deferred.³⁹ However, Henry Wright, the Resident's Second Assistant, was appointed in October 1815 the Magistrate of the 'Town and Environs' of Kandy, perhaps moved by D'Oyly's early experience. This office was not established on a regular footing at this time, for two months later Wright was required to relieve Sawers at Badulla, whose services were now demanded at the centre.⁴⁰

These several measures failed to provide an effectual judicature to the people. At an audience held for the chiefs at Kandy on 20 May 1816, Brownrigg

35. Brownrigg to Bathurst, 20 July 1815, C.O. 54/56.

36. H. White, *Manual of Uva* (Colombo, 1893), p. 86.

37. Sawers to Brownrigg, 9 June 1815 and Brownrigg to Bathurst, 20 July 1815, C.O. 54/56.

38. Brownrigg to Bathurst, 5 June 1816, C.O. 54/60.

39. Brownrigg to Bathurst, 20 July 1815, C.O. 54/56.

40. P. E. Pieris, *Sinhale and the Patriots, 1815-1818* (Colombo, 1950), p. 94.

candidly acknowledged that justice was yet to be administered properly. To the judicial matters that had accumulated in the interim period prior to the establishment of the British power, the officials now discovered that suits that had not been entirely disposed of or only partly decided during the time of the King should be added. The delays in judicial procedure, Brownrigg declared at the audience, arose 'owing to the different branches of Judicature not being digested into separate Departments, or regulated by settled forms of procedure, [and] it would not be possible, without much delay, to adopt the Sittings to any rule of classification, and the causes were in consequence entered upon as they arose'.⁴¹ The backlog of judicial business was disposed of in the ensuing years through the regular channels, but in certain instances, particularly where the cases were 'not reducible to any class', the Resident was authorized by the Governor to draw up a procedure to deal with them. Where cases concerned disputes between individuals but which touched upon the rights of the state, D'Oyly personally tried them in his capacity as the Resident in the presence of 'knowledgeable chiefs'. Where they concerned matters of a purely personal nature, the traditional mechanism was to be utilised, and if they involved questions of general importance or controversies between ranking families, they were to be placed before an assembly of chiefs from time to time. Claims for restitution of lands, especially lands forfeited or confiscated by the late king, were postponed to a later date to enable the Resident's staff to compile all relevant information relating to each individual case.⁴²

The judicial arrears forcefully brought into focus the fact that the administration in Kandy had devolved excessively on the shoulders of one official, the Resident. D'Oyly's work was inestimable to the British at the beginning: Brownrigg averred that it was above all to his ability, zeal, and 'amiable conciliatory manner' that the British owed acceptance among the 'formerly hostile' Kandyan.⁴³ But, it was now evident that D'Oyly's character was tending to hinder the administration. Brownrigg found that D'Oyly immersed himself in the study of the minutiae of Kandyan customs and institutions at the expense of public business.⁴⁴ D'Oyly's opposition to some measures pro-

41. J. W. Bennett, *Ceylon and its Capabilities* (London, 1843), appendix, pp. lxxvi-lxxvii.

42. *ibid.*, pp. lxxxvii-lxxxviii.

43. Brownrigg to Bathurst, 9 March 1815, C.O. 54/56.

44. Brownrigg to Bathurst, 5 June 1816, C.O. 54/60. Brownrigg wrote that D'Oyly's 'peculiar knowledge of the language and customs of the native people... far surpass[es] that of any European who has gone before him', Brownrigg to Bathurst, 9 March 1815, C.O. 54/55. D'Oyly's was not a detached study. According to Sir James Mackintosh, who visited him in 1810, D'Oyly had 'almost become a native in his habits of life. He lives on a plantation, invites nobody to his house, and does not dine abroad, and seems an amiable though uncouth recluse. When I saw him come into dinner at Mr. Wood's I was struck with the change of a Cambridge boy into a Cingalese hermit', *Memoirs of the Life of the Rt. Honourable Sir James Mackintosh* (London, 1835), ii. 6.

posed by him may have been grating to a strong personality like Brownrigg. By May 1816 the Governor had publicly declared his intention of relieving 'the Honourable the Resident of some part of the multifarious occupations which engrosses his valuable time'.⁴⁵ He intended in particular to create a separate judicial branch. D'Oyly objected to this proposal on the grounds of expenditure, but this time the objections were not accepted by the Governor. 'The Administration of the Kandyan Provinces', he noted on 23 August 1816, 'comprise all the ordinary Branches of a Political Constitution, all the gradations of ordained Authority, and every detail of publick Business which belongs to a complete independent State. The hope of being able with any justice either to His Majesty's interests or those of the People to commit to a single Gentleman however great his abilities the multifarious occupations of so extensive and complicated a charge could not be seriously entertained in Theory nor bear the test of the least experience'.⁴⁶ Brownrigg established from 1 October 1816 a Board of Commissioners of Kandyan Affairs to handle the duties which hitherto rested solely with the Resident. The Board consisted of three members who between them shared the duties. D'Oyly, who continued to hold the title of the Resident, was the First Commissioner and president of the Board, and was in charge of general and political business; James Gay was the Second (or Judicial) Commissioner in charge of judicial business; Sawers, the Third (or Revenue) Commissioner, was placed in charge of revenue and public services.⁴⁷ The personnel of the Board underwent changes from time to time, and the Commander of the Troops in the interior was included in 1819 and he became the president of the Board when the Resident's office was abolished following D'Oyly's death in 1824. Other changes, mainly of a judicial nature, followed the creation of the Board. Sylvester Wilson, the Secretary of the Board, was appointed the Magistrate of Kandy as well, thereby marking the beginning of the judicial office that became known as the Sitting Magistrate; Wright, who relieved Sawers at Badulla, was made the Magistrate in addition to holding the office of Agent; and subordinate Magistracies were established at Ratnapura, Batugedera, Kurunegala and Ruanvella,⁴⁸ mainly in order to settle land disputes and title to land, which had already begun to consume the time and energies of the Judicial Commissioner at Kandy and disturb the Kandyan Department at Colombo. The principal and subordinate chiefs

45. Brownrigg's speech at the audience in Kandy, 20 May 1816, in Bennett, *op.cit.*, appendix, p. Ixxix.

46. q. in Pieris, *Sinhale and the Patriots*, p. 152.

47. Warrant dated 30 Sept. 1816, C[eylon] G[overnment] A[rchives] 21/145. The warrant was read and explained to the chiefs and people at the Audience Hall on 2 Oct. 1816, proceedings of the Board, 2 Oct. 1816, C.G.A. 21/110. The successors of Gay as Judicial Commissioner were Edward Tolfrey in 1819, Sawers in 1821, Downing in 1827 and Henry Wright in 1830.

48. Brownrigg to Bathurst, 5 Nov. 1816, C.O. 54/61.

continued to exercise judicial functions, and the Board of Commissioners as a body was constituted as another court of law. The collective Board, with the chiefs associating in the deliberations, effectively replaced the *maha naduva* of old.

It was this machinery that administered justice until the Rebellion of 1818. The Rebellion⁴⁹ freed the rulers of the obligation they held for the maintenance of the customs and institutions of the Kandyans, for the Kandyans had 'violated' the Convention. The cautious stance Brownrigg had adopted at the beginning—only measures which would "gradually and insensibly supersede the deep-rooted prejudices of these people without their perceiving them to be attacked" should be considered, he had written in March 1815—⁵⁰was abandoned. Brownrigg now held that it was 'not imperative . . . to consider the letter of the articles of that Convention as so completely fettering his measures'.⁵¹ The Governor had not viewed the changes introduced in late 1816 as final, and indeed had called upon the Board of Commissioners to collect full information and report on a more suitable framework for the general administration and the judiciary of the region.⁵² The Rebellion intervened before the Board accomplished this task, but the Governor had no hesitation in embarking upon reforms.

The reforms the Governor desired were introduced by a lengthy Proclamation on 21 November 1818.⁵³ The aims of the Governor in revising the Kandyan administration were clearly stated to the Secretary of State: 'to fortify the hands of British officials appointed to the executive government, to invest them with the powers of compelling immediate obedience from all the chiefs and inhabitants to the orders of Government, fixing and collecting a moderate and legitimate revenue, administering prompt and impartial justice; and finally to prevent by all possible means the recurrence of such calamities as have been in these Provinces . . .'⁵⁴ In effect, the British were to be constituted as the 'real organs of power' and the Kandyan chiefs were to be transformed 'from an aristocratic faction to the rank and office of stipendiary organs for effecting the regulations and orders of the Supreme executive Authority'.⁵⁵ Brownrigg was not aiming at a complete overthrow of the existing administrative structure—he lacked the conviction and the means

49. On the Rebellion see, Pieris, *Sinhale and the Patriots*.

50. Brownrigg to Bathurst, 15 March 1815, C.O. 54/55.

51. Brownrigg to Board, 25 Sept. 1818, C.O. 54/73.

52. Brownrigg to Bathurst, 8 July 1817, C.O. 54/66.

53. For the text see, Skeen, *op.cit.*, i, 223-228. In the Kandyan Provinces, the Governor held supreme legislative power, delegated informally by the Crown, and enacted laws by means of Proclamations and Minutes. No prerogative instrument was issued for the governance of the region until 1831, when the Royal Instructions to the new Governor, Sir Robert Wilnot Horton, extended the powers of the council to include the Kandyan Provinces.

54. Brownrigg to Bathurst, 8 Jan. 1819, C.O. 54/73.

55. *ibid.*; Brownrigg to Board, 25 Sept. 1818, C.O. 54/73.

for such an endeavour—but a modification by means of change and substitution to suit the new realities of Kandyan politics. The interlacing of Kandyan and British forms, towards which British judicial policy in Kandy was gradually but surely evolving, was to achieve its final shape with this modification.

When the changes were mooted, the Board of Commissioners expressed its disagreement with the Governor's intention of stripping the chiefs of their judicial powers. It asserted that chiefs would not be able to wield their authority properly without the backing of judicial powers, and feared that the Agents, who now emerged as the principal judicial authority in the districts, would not be able to deal with all the judicial matters that would arise in their extensive areas of rule.⁵⁶ But, the Governor, now convinced beyond doubt of the dangers inherent in the maintenance of the powers of the chiefs, disregarded the submissions of the Board. Under the changes introduced, the Adigars continued to function as the highest judicial officials within the local officialdom, but with severely restricted powers. They held a civil jurisdiction over the people who were subjected to their peculiar authority, and over other descriptions of people determined by the Governor (an extension which was never granted), and could 'punish disobedience of their Orders and Petty Offences by inflicting Corporal Punishment not exceeding Forty Strokes with the open Hand or Twenty Five with a Rattan on the Back, or by awarding Imprisonment for a term not exceeding Fourteen Days'. The Disavas and subordinate officials like Mohottalas (*Mohattirāla*), Liyanaralas (*Liyanā Aracci*) and Korales (*Koralē*) retained a civil jurisdiction of a minor nature, with powers of punishment of seven day's imprisonment or twenty five strokes with the open hand in the case of Disavas and three day's imprisonment or ten strokes in the case of the latter. Unlike under the Kings, these several chiefs were not given cognizance over Moors and non-Kandians, who were now subject to the Agents alone, and were prohibited from accepting the judicial fees (*bulat surulla*) they were entitled to under the old order, a decision which was received with particular disfavour.⁵⁷ Moreover, no chief could exercise any judicial or executive power without holding a letter of appointment issued by the government, and the honours which the chiefs were to receive were laid down in minute detail. In all matters, those who appeared before the chiefs had a right of appeal either to the Agents or the Judicial Commissioner, while these British officials had the power to refer cases to the chiefs, who however could only hear and report but not decide in such instances.

56. Proceedings of the Board, 26 Oct. 1818, C.O. 54/73.

57. Marshall, *op.cit.*, p. 175. *Dakum* too were abolished excepting in the case of the religious functionaries. The Chiefs now received a salary and exemptions from certain taxes.

Above the Adigars were the Agents of Government. After the Rebellion, following the precedent established in Uva, Agents were sent out to the outlying districts of the Provinces, and to them the Board of Commissioners delegated the exercise of broad executive (mainly relating to revenue duties) and judicial powers. Thus, there were Agents at Badulla for Uva (now including Bintenna), at Kurunegala for Seven Kōralēs (including northern Nuvarakalāviya), at Ratnapura for Sabaragamuva, and at Ruvanvella for Three Kōralēs. The districts lying in close proximity to Kandy were placed under the direct administration of the Board, but in some of these Agencies were set up to function under the Board. Thus, there were Agents at Mātalē town for Mātalē and the eastern parts of Nuvarakalāviya, at Fort King for Four Kōralēs and at Madawalatenna for Hārispattu and Tumpanē. Agents were also appointed with specifically judicial powers for Kurunegala and for Lower Uva and Vellassa, with subordinate Agents at Attapitiya in the Four Kōralēs and at Nalanda in Mātalē.⁵⁸

The Agents held two distinct kinds of jurisdiction. When sitting alone they could hear and determine civil cases arising in their respective districts wherein the object in dispute was not land and the value of which did not exceed fifty rix dollars, and criminal cases of an inferior nature. The powers of punishment were limited to a fine not exceeding twenty five rix dollars, thirty strokes with a rattan and imprisonment with or without hard labour up to two months.⁵⁹ In the trial of non-Kandyans, the Agents were empowered to dispense with the assessors. When sitting with assessors the jurisdiction of the Agents was limited only by the authority given to the Judicial Commissioner and the Board of Commissioners to hear suits of particular description: treason, murder, and homicide and all cases wherein a superior chief was the defendant. To suit the wide jurisdiction, the Agents were given extensive powers of punishment—'any Punishment short of Death, or mutilation of Limb or Member'—but their decisions were subject to appeal to the Judicial Commissioner and the Board when they concerned a dispute of the value of one hundred rix dollars or over. And, where the majority of the assessors—who numbered two or more—differed in opinion from the Agent at the termination of a suit, the proceedings of that suit were to be transferred to the Judicial Commissioner's Court. Apart from the appeal procedure, the centre exercised a supervision over

58. C.O. 416/19-G6; Report of W. M. G. Colebrooke upon the Administration of the Government of Ceylon, dated 24 Dec. 1831, P.P.1831/32 XXXII (274), 13. Colebrooke was Cameron's fellow commissioner.

59. Whipping as a mode of punishment generally seemed to have been directed only for 'ignomious offences', and chiefs were usually not subject to it. Evidence of Bone, 8 Oct. 1829, C.O. 416/19-G6; evidence of Crippo, Agent for Seven Kōralēs, C.O. 416/19-G6.

the Agents in their judicial functions by requiring the maintenance and the submission of diaries of proceedings, both in civil and criminal matters, at regular intervals.⁶⁰

The jurisdiction and powers of punishment of the minor judicial Agents were similar to those held by the principal Agents when they sat alone. The creation of these offices was moved by the need to relieve the Agents in the larger districts, whose revenue duties in particular had become heavy.⁶¹

The Sitting Magistrate's Court at Kandy too was established under special circumstances. The population of Kandy, though subject to fluctuations, tended to increase after the conquest, and in the town and its environs a rising number of brawls and petty disputes began to be recorded.⁶² The Sitting Magistracy was set up with this in mind, but its jurisdiction was not limited to Kandy alone; Udunuvara, Dumbara, parts of Hēvahata, Udapālāta, Kotmale and upper Bulatgama also came under it. The Sitting Magistrate was given the power to hear and determine all civil cases wherein the object in dispute was not land and the value of which did not exceed three hundred rix dollars and all criminal cases of an inferior nature. Two limitations, however, were imposed. No description of suits reserved for the higher courts could be entertained; and, where a Kandyan was the defendant and where the dispute exceeded hundred rix dollars in value, the defendant could request the transfer of the suit to the Judicial Commissioner's Court. The Sitting Magistrate acted alone until assessors were introduced into his court too by a Proclamation on 28 August 1829. The power of punishment and procedure of appeal of this court were similar to those prescribed for the Agents' Courts.⁶³

The Judicial Commissioner was the central figure in the judicial administration of the Kandyan territory. He acted in two distinct capacities. As the holder of the executive office of Judicial Commissioner, he was responsible to the Board of Commissioners, the supreme executive and judicial authority in the interior, for the maintenance of the judicial machinery in operation. In his capacity as a judge, he held original judicial and appellate powers and exercised a 'general superintendance' over the proceedings of the subordinate courts of law, charged with the duty of bringing to the notice of the Governor

60. Clauses 35, 38, 39, 44 and 45 of the Proclamation of 21 Nov. 1818, Skeen, *op.cit.*, i, 226-228; Clause 9 of the Convention, *ibid.*, 181; evidence of Downing, 12 Sept. 1829, C.O. 416/19-G4; evidence of Bone, 8 Aug. 1829, C.O. 416/19-G6; evidence of Taylor, Agent for Four Kōralēs, 10 Sept. 1829, C.O. 416/19-G6.

61. Evidence of Downing, 12 Sept. 1829, C.O. 416/19-G4; evidence of Douglas, Agent for Uva, 18 Sept. 1829, C.O. 416/19-G6.

62. This factor drew D'Oyly's early attention. See, citation in note 13 above. Captain Wynn, the Sitting Magistrate, stated in 1829 that the most common offences brought before the court since its establishment were breaches of peace, C.O. 416/19-G5. The population of Kandy was assessed in 1821 at 3,000. J. Davy, *An Account of the Interior of Ceylon and its Inhabitants* (London, 1821), p. 17.

63. Evidence of Wynn, 26 Sept. 1829, C.O. 416/19-G5.

'any irregularity or illegal exercise of authority' by them. As a court of first instance, when constituted without the assessors, Court could hear and determine all civil cases in which the matter in dispute did not exceed one hundred rix dollars in value and in which land was not a subject of dispute and all criminal cases of an inferior description, with powers of punishment similar to those held by the Agents when sitting alone. When constituted with the assessors—who like in the Agents' Courts were to be two or more in number—the Court had cognizance over all other civil and criminal cases. In particular, it had jurisdiction over the superior chiefs as well as over capital offences. In ordinary civil and criminal cases the Court could mete out any punishment short of death and mutilation, and where the cases concerned a capital offence, it could only report on the defendant's guilt and the suitable mode of punishment to the Governor for decision through the Board. As an appellate body, the Judicial Commissioner's Court could either give its verdict on the proceedings of the lower court or send for parties and witnesses for re-hearing or else return the case to the Agents' Courts for specific directions. The appellate authority for the Judicial Commissioner's Court was the Governor. Appeals were restricted to decisions taken on cases wherein the object in dispute was land or personal property over the value of one hundred and fifty rix dollars. The Governor was to dispose of the appeals 'in correspondence with the Board of Commissioners according to Justice'. The Proclamation of 21 November 1818 also declared that where there were disagreements between the Judicial Commissioner and the assessors at the termination of suits, the proceedings be transferred to the collective Board for decision and report to the Governor.⁶⁴

This new machinery administered justice in the interior until 1833 when the Charter of Justice of that year drafted by Cameron introduced radical changes. The modification of the traditional structure undertaken in 1818 was moved by the immediate need to entrust to the British officials a personal control and authority over the judicature, with the belief that English forms were superior to the Kandyan underlying the measures. The new machinery was necessarily an outcome of a compromise between the indigenous and the foreign, and—as it was inevitable in a compromise of any sort—soon began to show a multitude of contradictions and defects in its working.

The first—and a cardinal—English principle compromised was the separation of judicial from executive duties. In nineteenth century colonial administration it was only rarely that the British were able to afford the luxury of different personnel for executive and for judicial functions. Officials in the Kandyan Provinces, like elsewhere in the empire, combined in their person

64. Clauses 35-37, 39, 40, 42, 44, 45 and 51 of the Proclamation of 21 Nov. 1818, Skeen, *op.cit.*, i, 226-228; evidence of Downing, 12 Sept. 1829, C.O. 416/19-G4; evidence of Wright, C.O. 416/19-G4; evidence of MacPreston, Agent for Hārispattu, 25 Sept. 1829, C.O. 416/19-G6.

both executive and judicial powers. As far as the British officialdom was concerned, those who wielded judicial powers fell into two categories. The majority of the officials were regular army officers who held the military command in their respective districts. With the preoccupation of the government with security, this was understandable.⁶⁵ A further consideration seemed to have carried weight: economy. Army officers, it was stated, 'discharged the civil duties upon Salaries which the Civil Servants would not consider adequate for themselves'.⁶⁶ As the Governor was the Commander-in-chief of the forces in Ceylon, both in their civil and military duties these military men were ultimately answerable to one authority. The second category comprised of civil servants. The employment of civil servants was justified on entirely different grounds. By their normal executive and revenue work they alone acquired a knowledge of the customs and institutions of the people, and—as John Millar, who was often cited authoritatively in Ceylon on judicial matters, stated—'familiarity with the manners, laws and customs of the country are unquestionably the primary qualifications in a judge'.⁶⁷ The civil servants too were under the orders of the Governor, and consequently all judicial officials in the interior, in Captain Wynn's words, held office 'during the Governor's pleasure'.⁶⁸ The Governor does not seem to have interfered with the normal process of law in these courts, but as the Judicial Commissioner once admitted, there were occasions, involving cases which touched upon security or rights of state, where he established guide lines for the presiding officials.⁶⁹ The relationship between the Governor and the judicial officials was later condemned by Cameron as 'incompatible with a proper degree of judicial independence'.⁷⁰

The traditional officialdom had invariably combined judicial, police, revenue and military duties in the exercise of powers, and later British writers found the judicial proceedings of the British officials in Kandy meeting with

65. The importance of the security factor was exemplified in the appointment of the Commander of the Troops in the interior to the Board of Commissioners. In 1830, the following Agentships were held by military men: Uva and Bintenna. Three Kōralēs, Four Kōralēs, Mātālē, Hārispattu and Tumpanē, Hēvahata and Lower Uva and Vellassa. The Sitting Magistrate and the Judicial Agent at Kurunegala too were military men. Colebrooke's Report upon the Administration, P.P. 1831/32, XXXII (274), 29-30.

66. Report of W. M. G. Colebrooke upon the Establishment and Expenditure of Ceylon, dated 28 May 1832, C.O. 54/122. The army officers received no special pay for holding civil office, but were allowed generous island allowances. The saving the government realized by employing military men was not considerable, but nevertheless would have been of value in view of the chronic deficit it faced in its finances.

67. *On the Administration of Justice in the British Colonies of the East Indies* (London, 1828), p. 22.

68. C.O. 416/19-G5.

69. e.g. The trial of the Pretender after the Rebellion of 1818, evidence of Wright, C.O. 416/19-G4.

70. Cameron's Report, P.P. 1831/32, XXXII (274), 57.

'unqualified praise from the highest legal authority'.⁷¹ The Agents do not seem to have viewed the combination of diverse duties a hinderance to the proper discharge of any of their functions.⁷² The Judicial Commissioner for one, complained that the maintenance of judicial machinery in operation, handicapped by lack of adequate staff, was a difficult task for him.⁷³ Evidence also suggests that in the case of Agents the unification of executive and judicial duties had unfavourable consequences. It was inevitable that the Agents would determine the sittings of their courts not according to the convenience of the suitors but according to the requirements of their manifold duties,⁷⁴ and the considerable delays that characterised the judicial administration in the interior was no doubt a result of this.⁷⁵

Although the constitution and powers of courts of law and judicial officers were stipulated in the Proclamation of 21 November 1818, no guide lines were established to regulate their proceedings and ensure the maintenance of uniformity in their conduct. Kandyian judicial system had no mode of procedure in the English sense of the word. The Commission of Eastern Enquiry reflected the opinion of British officials when it declared that 'the arbitrary power of a King' was the sole determinant in procedure of Kandyian tribunals.⁷⁶ Formal rules were drafted by the British in 1819.⁷⁷ These, however, were stated in only very broad terms, and did not extend to criminal proceedings, and were not effectually enforced. Furthermore, the traditional hierarchy retained was exempt from them. According to the Sitting Magistrate, no court could deviate from these and frame its own set of rules without the express sanction of the Governor,⁷⁸ but in practice the officials seemed to have had a free hand. The search of the British officials for a regular and formal procedural method did not take them far. The Judicial Commissioner adopted

71. J. Steuart, *Notes on Ceylon and its Affairs* (London, 1862), p. 5. See also, Hayley, *op.cit.*, p. 12.

72. e.g. Evidence of MacPreston, 25 Sept. 1829, C.O. 416/19-G6.

73. Tolfrey to Lusignan, 24 July 1820, C.G.A. 23/24.

74. The Judicial Commissioner's Court met every day excepting on Mondays, Wednesdays and Fridays when the Board was summoned, evidence of Downing, 12 Sept. 1829, C.O. 416/19-G4. The Agent for Sabaragamuva held his court every day between 1 and 6 p.m. if revenue and other business did not intervene, with civil and criminal cases being taken up on alternate days, an arrangement which was adopted by most Agents, C.O. 416/19-G6. Only the Agent for Four Kōralēs reportedly gave particular consideration to litigants, shifting his court from time to time to small towns 14 and 24 miles away from his seat, Fort King, to hear suits arising in the respective areas.

75. Delays were considerable though the Governor had ruled that distinct and prompt answers should be given to every application for justice. Colebrooke to Wynn, 11 Sept. 1829, C.O. 416/1.

76. Colebrooke and Cameron to Murray, 23 Nov. 1830, C.O. 54/121. On Kandyian procedure see, D'Oyly, *op.cit.*, pp. 29-31.

77. See, Instructions for the guidance of the Judicial Commissioner and all Agents of Government as to the mode of proceedings in civil suits, 6 Oct. 1819, C.O. 416/19-G4.

78. C.O. 416/19-G5.

English rules of evidence in both civil and criminal proceedings, and so did the Agents,⁷⁹ though Douglas, the Agent for Uva, makes the surprising revelation that he followed in his court 'much the same form' as in Dutch courts of law. In the Maritime Provinces, Dutch rules had continued to be operative under British rule, but by now they had certainly been superseded by English forms.⁸⁰ Douglas felt that the elaborate English rules were not suitable for application among the Kandyans, whose traditional mode of judicial administration was admittedly simple, and was attracted to the far simpler Dutch forms.⁸¹ Although English rules of evidence were in force in Kandy, they were not formally adopted by the government, which made Cameron later to recommend that 'certainty and authority be given to these rules by express enactment'.⁸²

It was obvious that English rules could not be practised in an inflexible manner. Essential provisions of the English system had to be disregarded. For example, in the absence of a public prosecutor, it was left to the judge himself to conduct the prosecution.⁸³ Perhaps to the average Kandyan litigant this was no great drawback, for the traditional system made no fine distinction between the judge and the prosecutor, but the British themselves acknowledged that there were undesirable results. The Commission of Eastern Enquiry, which observed the proceedings of a trial in the Judicial Commissioner's Court before assessors, wrote that 'the union of [these] incompatible functions [in the Judicial Commissioner] was calculated to produce an undue bias on his mind, as well as on that of the assessors'.⁸⁴ On a separate occasion, the Judicial Commissioner admitted that the appointment of a public prosecutor would be beneficial, 'by tending to preserve the mind of the Judge free from any bias, and to relieve him from some trouble and responsibility in the Execution of his Office'.⁸⁵ Other strictures followed. The commission noted that the Judicial Commissioner, not being a lawyer, tended to ignore the rules of evidence avowedly accepted by him. The admission of hearsay evidence in particular was singled out for condemnation. In the Vilbavē trial, 'the quantity of hearsay evidence which was received against [the accused] must have had a very

79. Evidence of Downing, 12 Sept. 1829, C.O. 416/19-G4; evidence of Turnour, Revenue Commissioner, C.O. 416/19-G11.

80. Evidence of Sir Richard Ottley, Chief Justice, C.O. 416/16-F41.

81. C.O. 416/19-G6. On the view that Kandyan procedure was simple see, Marshall, *op.cit.*, p 40.

82. Cameron's memo., 1 May 1832, C.O. 54/121.

83. Only in revenue cases brought before a court was there a separate prosecutor, the Revenue Commissioner. Few such cases have been recorded, no doubt because the Agents in their capacity as revenue officials held discretionary powers to arrest and detain revenue defaulters until the government's claims were satisfied. Evidence of Downing, 12 Sept. 1829, C.O. 416/19-G4.

84. Colebrooke and Cameron to Murray, 23 Nov. 1830, C.O. 54/121. The trial referred to was that of Vilbavē, an alleged conspirator of the 1818 Rebellion, for treason in July 1830. Among the assessors were the First and Second Adigars.

85. Evidence of Wright, C.O. 416/19-G4.

unfavourable effect upon the minds of the assessors, passing as it did for legal evidence, and it is impossible to say how far this opinion [of guilt] was founded upon such hearsay a[nd] how far it was founded upon the legal evidence adduced'.⁸⁶ The Commission concluded that the very fact that these deviations had been made showed that English rules were not applicable to the case in the first place.

Although English rules of procedure were followed, the law applied was the traditional law of the Kandyan. This of course was bound to give rise to contradiction. At Vilbavē's trial, 'the indictment seems to have been framed and the proceedings . . . would appear to have been conducted according to English rules of procedure and evidence, yet the substantive law administered was professedly Kandyan'. In point of fact, as the commission observed, 'there being no Kandyan law applicable to the case, and His Majesty not having thought fit to enact such Law, the Prisoner we conceive could only be punished by the exercise of that discretion which was rested in the Native Sovereign of Kandy'.⁸⁷ At one of the first trials for treason held under the British, the assessors had asserted much the same view: the King alone could determine the punishment for treason and in the absence of the King the Governor should exercise the prerogative.⁸⁸ The Governor could, if he strictly adhered to the customs of the Kingdom, as assessors associated with another treason trial pointed out, punish with death not only the plotters directly involved but also the people under their authority.⁸⁹ Obviously circumstances, and certainly inclination, would have prevented the Governor from playing the role of the King demanded of him in judicial proceedings. More so because it was abundantly clear that the King's prerogative of punishment covered a wide area.⁹⁰

The difficulties of the British stemmed from the state of the Kandyan law at the conquest. It was 'a common law in the strictest sense. It was contained in no book; it was almost untouched by legislation; it acknowledged no judicial decisions'.⁹¹ It certainly lacked 'rigour', the virtue which the British valued so much in jurisprudence. The Kandyan law emphasised instead the 'situational aspects of any particular case', combining it with legal principles; Kandyan courts 'did not give judgement on the interpretation of the rules *per se*'.⁹²

86. Colebrooke and Cameron to Murray, 23 Nov. 1830, C.O. 54/121. Vilbavē was found guilty by the court, but was freed on the recommendations of the Governor and the commission of inquiry.

87. *ibid.*; Colebrooke and Cameron to Howick, 12 Sept. 1831, C.O. 54/121.

88. Trial of Madugalle, 15 Sept. 1816, in Pieris, *Sinhale and the Patriots*, pp. 140-144.

89. *The King v. Degandeniya Aratchi, et al.*, 24 May 1823, C.G.A. 23/46.

90. In the trial of a caste murder, the Board found that 'Law has not fixed any specific Punishment for the crime of a murder a[nd] that it has always been punished according to the pleasure of the King, proceedings 25 Oct. 1816, C.G.A. 21/109.

91. Hayley, *op.cit.*, p. 12.

92. G. Obeyesekere, *Land Tenure in Village Ceylon* (Cambridge, 1967), pp. 48-49.

As Forbes, the Agent for Matālē, perceptively observed, the essential characteristics of the Kandyan law were the 'demigeneral principles of equity, made to suit the intricate system of society and applied according to circumstances of each case'.⁹³ The regional variations in the law,⁹⁴ which often mystified the early British officials in the interior, was no doubt an outcome of the application of the situational concept.

In the absence of a written law, the British were forced to depend from the beginning on 'expounders of law': assessors. The officials, however, embarked upon the study of Kandyan customs and institutions. It was D'Oyly who gave the lead. More formally, the Board of Commissioners decided in November 1818 that each member should prepare memoranda on 'the institutions, customs, feelings and prejudices of the Kandyan people'.⁹⁵ The task was formidable. Only D'Oyly and Sawers produced any results, which were by no means comprehensive, but their accomplishments cannot be belittled on that count. D'Oyly's contribution was an unfinished compilation, which Sawers later annotated; this was subsequently published as *A Sketch of the Constitution of the Kandyan Kingdom*. Sawers' was a less ambitious attempt, 'On the Kandyan Law of Inheritance, Marriage, Slavery etc.'⁹⁶ To these should be added a separate work, Turnour's 'Report on the District of Sabaragamuwa' dated 18 June 1824.⁹⁷ The compilations of D'Oyly and Sawers were not formally adopted by the government, but they were often referred to 'in aiding it to form a judgement in cases which are affected'. The Judicial Commissioner declared that when not 'counter balanced by other considerations of greater weight, he considered himself bound to accept them as the Law of the Land'.⁹⁸ The Agents too seemed to have followed a similar course. D'Oyly and Sawers were soon being cited authoritatively against the assessors,⁹⁹ and later even the Supreme Court, after its jurisdiction was extended to the interior by the Charter of Justice of 1833, accepted them in forming its judgements.¹⁰⁰

The compilations were a major step taken by the British to give the Kandyan law the systematic rigour it lacked. Perhaps, far more important in changing the character of the laws were the judicial decisions of the officials;

93. C.O. 416/19-G6.

94. Turnour, for example, discovered that laws in respect of widows in Sabaragamuwa differed widely from the other regions. See, Report on the District of Sabaragamuwa, 18 June 1824, C.O. 416/20-G16.

95. Hayley, *op.cit.* p. 13.

96. C.O. 416/19-G2. Sawers' 'Memoranda and Notes', which came to be known as Sawers' Digest of Kandyan Law, have been printed in D'Oyly, *op.cit.*, pp. 66-67 and 109-132.

97. C.O. 416/20-G16.

98. Evidence of Wright, C.O. 416/19-G4. For Agents' Courts see, evidence of Forbes of Matālē, C.O. 416/19-G6; evidence of Wynn, 26 Sept. 1829, C.O. 416/19-G5.

99. e.g. Bogahalandegedere Yahapat Etena v. Idemogedere Punchiralla, 26 Feb. 1829, C.G.A. 23/24.

100. C. Marshall, *Judgements and Other Decisions of the Supreme Court of Ceylon* (Paris, 1839), p. 366.

D'Oyly's and Sawers' compilations not being printed, it was hardly likely that they were available with every official.¹⁰¹ As the Kandyan Law Commission declared in the following century, 'the minute of proceedings of the Board of Commissioners from 1816 to 1833 constitute almost the first written records of the principles governing the customary and traditional law [of the Kandyan] as far as could be ascertained at the time'.¹⁰² Equally important were the legal enactments issued by the Governor from time to time, which either stated more explicitly or modified the traditional law, or introduced new concepts. It was inevitable that the officials would look towards English law for guidance, especially where they felt that the customary law was 'silent or defective'.¹⁰³ Forbes of Mātālē reflected the attitude of officials to the customary law when he declared that 'I consider Kandian laws regarding debt-ness to be of such a nature that it would be unworthy of, and degrading to a British Government to follow them'.¹⁰⁴ Underlying the critical attitude was the belief that 'the chain of custom, fixed for centuries, prevent[s] all progress, and keep[s] the people stationary...'.¹⁰⁵ Admittedly there were major difficulties in giving the law a character it did not possess. The inheritance law, for example, which contributed to subdivision and fragmentation of land and consequently became a fertile source of litigation, was declared an 'evil' by the British, but as the Judicial Commissioner pointed out, its revision was no easy task because 'it is so intimately connected with the ancient customs and usages of the People'.¹⁰⁶ The officials nevertheless worked towards the transformation. The very same Forbes who was so perceptive to the special quality of the Kandyan law, did not hesitate to announce that it should be 'modelled for expediency as regards the Government'.¹⁰⁷ The view that the assimilation of the laws to the English laws was 'beneficial' recurs ever so often in the records of the officials. But, there were dissenters. Turnour, a 'native-welfare conscious official',¹⁰⁸ was a case in point. Others, decidedly less sympathetic towards the Kandyan, argued on different lines. Bone held the view that English laws were 'too refined and indulgent a nature for a people possessing such powers of dissimulation, as many of the more depraved of the Kand-

101. Forbes of Mātālē in fact admitted that he had not seen the compilations, C.O. 416/19-G6.

102. *Sessional Paper*, XXIV of 1935, 3.

103. Evidence of Wynn, 26 Sept. 1829, C.O. 416/19-G5.

104. C.O. 416/19-G3. These laws, it is worthy of notice, were virtually annulled by Governor's Minute of 15 April 1822, *ibid*.

105. Davy, *op.cit.*, p. 327.

106. C.O. 416/19-G4. The subdivision of land caused grave concern among the British. 'The Minute division of real property', Taylor of Four Kōralēs wrote, 'has produced a pauper class of proprietors whose land in good seasons barely produce rice sufficient for their consumption', C.O. 416/19-G6.

107. C.O. 416/19-G6.

108. Cameron to Hay, 1 May 1832, C.O. 54/121. For Turnour's views on changes in the laws see, C.O. 416/20-G11.

yans not infrequently render them subservient to offences they were intended to arrest'.¹⁰⁹ Yet, the process of change continued unabated and by 1830 it had gone so far that the Judicial Commissioner was able to assert that laws of the Kandyan did not differ very materially from those of the littoral as they have been 'modified and mixed up with our own jurisprudence'.¹¹⁰ The criminal law in particular was greatly superseded. 'Very few of the Kandyan criminal laws are now in force', Bone noted in 1829, 'and those may be comprised under the head of slander and abuse of caste'.¹¹¹ Some laws were occasionally resuscitated. Thus, Turnour observed that the double restitution of property for theft was enforced.¹¹² The changes on the civil side was not considerable; according to Turnour, it was not usual to disturb civil laws where the chiefs were found to have supported them unanimously. Changes introduced in civil laws were mainly in respect of land.¹¹³

Although the British tended to consciously change the character of the customary law by judicial decisions and legal enactments, they nevertheless displayed an ambivalence which they never succeeded in resolving satisfactorily. The ambivalence emerged most clearly in their attitude towards caste. Caste was a central force in the traditional social structure. 'Caste affected marriage, could not be lost merely by marriage with a slave, might even affect the stability of illicit relations between sexes, affected succession to property, could, if subjected to imputation by a slanderer, give rise to a right to damages, and finally influence the type of punishment that might be awarded for an offence'.¹¹⁴ The values of the caste system were alien to the concepts of social order and justice the British had known at home, and not surprisingly were viewed as 'very detrimental to the introduction of improvement' among the people.¹¹⁵ Yet, it was felt that caste was too deeply ingrained in society to be eradicated by the precipitate action of the government. While taking the stand that 'every encouragement should be given to gradual encroachments on that prejudice',¹¹⁶ expediency dictated that they should accept, indeed adhere to, caste distinctions in their administrative, economic and

109. C.O. 416/19-G6.

110. C.O. 416/19-G4.

111. C.O. 416/19-G6. e.g. Infanticide (Proclamation of 25 Sept. 1821), putting to death for caste violation (Proclamation of 3 Jan. 1821), and death by drowning for women as a mode of punishment (Proclamation of 23 March 1826), were abolished.

112. C.O. 416/20-G11.

113. e.g. Prescription fixed at 30 years until Sept. 1819 and thereafter at 10 years (Proclamation of 18 Sept. 1829); defining and limiting the right of re-purchasing of lands sold (Proclamation of 14 July 1821); requiring the attestation of 2 witnesses for bequest of property (Proclamation of 28 Oct. 1820). In 1829, with considerable pride Forbes declared that 'liberty and security of property' had been secured by the British, C.O. 416/19-G6.

114. J. D. M. Derrett, 'The Origins of the Laws of the Kandyans', *University of Ceylon Review*, XIV (1956), 138. c.f. Hayley, *op.cit.*, pp. 115-135; 175-176 and 495.

115. Taylor to commissioners, 10 Sept. 1829, C.O. 416/19-G6.

116. *ibid.*

judicial policies. In appointing chiefs and headmen caste distinctions were scrupulously followed and *rājakāriya* according to caste was continued without change.¹¹⁷ More significantly, caste was recognised in the administering of justice. The Judicial Commissioner wrote: 'I consider rules of caste a matter of law of which I am bound to take judicial notice and on which to decide, whether of my knowledge without evidence, or brought before me in pleading or in evidence by any party in a civil *sūit*'.¹¹⁸ This was the practice adopted by the Agents too. As the Judicial Commissioner observed, in reply to a query of Captain Mylaws of the Three Kōralēs, 'all classes of people are bound to adhere to ancient usages and customs of their respective castes unless specially exempted by Government and are of course liable to punishment for any breach of their observance'. The Commissioner, however, added that 'in enforcing these usages . . . care should be taken that the higher castes are not endeavouring to exact distinctions they are not legally authorized to do as it is not either the interest or wish of government to hold the lower castes in a more degraded state than the laws and customs of the country absolutely require'.¹¹⁹ The qualifying statement of the Commissioner amply brought out the dilemma and the dangers the British faced in associating themselves with the maintenance of customs and institutions with which they had only a nodding acquaintance. Although the British took judicial notice of caste, they did not fail to observe that there was 'no pattern of crime' according to caste, and rejected caste distinctions in handing out punishments.¹²⁰ Moreover, they realised that while social forces active in certain regions strengthened caste prejudices, in other regions they were 'in a state of rapid and progressive decay' (a process they wished to encourage) and were 'only upheld by direct interference' of the government.¹²¹

The dependence of the British officials in judicial proceedings on the assessors as 'expounders of law' was fraught with problems. 'Knowledgeable chiefs' had been consulted by the British from the very beginning of their rule in the interior. In the tribunals Brownrigg held after the conquest, he called

117. See, Samaraweera, *op.cit.*, pp. 101-102 and 220-224.

118. Evidence of Wright, C.O. 416/19-G4. Since there were no written records relating to caste, the officials generally depended on assessors to determine caste of litigants, and at times obtained guidance from 'the common consent of the people'. Tenure of land too was recognised as a pointer, while a child was always held to be of the caste of the mother. As an example of a judicial decision which followed customs relating to caste see, Ekenegedere Dingiri Menike *v.* Udagedere late Korale Aratchi, 19 Dec. 1829, C.O. 416/20-G28, where the Judicial Commissioner determined that a *goyigama* woman who married a Moor lost her caste status, and thereby became incapable of inheriting the estate of her parents.

119. Downing to Mylaws, 2 Jan. 1829, C.O. 416/19-G6.

120. Evidence of Downing, 12 Sept. 1829, C.O. 416/19-G4.

121. Evidence of Forbes of Mātalē, C.O. 416/19-G6. Taylor of Four Kōralēs held that 'caste is more strictly followed in this district than in other Kandyan Provinces', Taylor to commissioners, 10 Sept. 1829, C.O. 416/19-G6.

upon a number of chiefs to assist him by expounding the customs and laws, and he later publicly paid a glowing tribute to their ability.¹²² Thereafter, they were consulted by the Resident, and later by the Board of Commissioners, to decide upon judicial matters, particularly disputes relating to land, as well as on occasion in the formulation of the administrative policies.¹²³ A formal and explicit status was accorded to them in judicial proceedings by the Proclamation of 21 November 1818. Initially only Adigars, Disavas and Mohotales were permitted to hold assessorships. Having discovered that superior chiefs were not always available in many regions, the government decided in 1829 to extend the privilege to other chiefs and to 'natives equal by family connexion to chiefs actually in office'.¹²⁴ Since the higher echelons of local offices were invariably held by the *goyigama*, this meant that assessorships too became the monopoly of this caste. Captain Law of the Four Kōralēs in fact observed that 'it is indispensable that [assessors] should be of Ratta [i.e. *goyigama*] Caste'; and, the *goyigama* were declared competent to decide legal questions involving all castes without exception.¹²⁵ This restriction of assessorships was often criticised. The views of the critics were summed up by Cameron when he observed that assessors were chosen from 'too small a class and not from that class which is best adapted to the purpose'; further, 'they cannot be regarded as fair representatives of the community'.¹²⁶ Assessor system as such was greatly valued,¹²⁷ but the work of the assessors then employed was denigrated. They were found to be ignorant of the customs and laws they were required to expound—far worse, 'this ignorance was rather put forward by them as matter of boast, and . . . they considered the removal of it by study and reflection as a drudgery very unworthy of their condition'.¹²⁸ Many of the customs and laws were capable of various constructions, and conflicting opinions were stated by the assessors. Clearly in such instances, the opinions were formed 'according to their respective views of the merits or influenced sometimes by impure or partial motives'. The Judicial Commissioner held that the opportunities assessors had of 'perversion' of customs and laws were limited, for 'some of these laws . . . are so certain and immutable as to be generally acknowledged and acted upon as the law of the land'.¹²⁹ Furthermore, the Board of Commissioners and the Governor from time to time assembled the leading chiefs to ascertain their collective opinion,

122. See his speech at the audience, 20 May 1816, in Bennett, *op.cit.*, appendix, p. lxxix.

123. Proceedings of the Board, 2 and 7 Oct. 1816, C.G.A. 21/110.

124. Proclamation of 8 Aug. 1829, *Ceylon Government Gazette*, 29 Aug. 1829.

125. C.O. 416/19-G6.

126. Cameron's Report, P.P. 1831/32 XXXII (274), 70.

127. Forbes 'preferred having the opinion and reasons of intelligent assessors to the irrefragable view of a jury', C.O. 416/19-G6.

128. Cameron's Report, P.P. 1831/32, XXXII (274), 70.

129. Evidence of Wright, C.O. 416/19-G4.

thereby establishing a code covering laws on which conflicting opinions could be stated.¹³⁰ Yet, throughout the period under review the British found the assessors indispensable in their judicial administration. The dependence of the rulers upon the local hierarchy was increased by the need they felt to call upon their services to act as interpreters of evidence and translators of documents in courts of law.¹³¹ Despite the obvious advantages in learning the language of the ruled—exemplified in D'Oyly's career—and the frequently expressed view that a knowledge of the language was 'abundantly useful and beneficial in facilitating the despatch of judicial business of the Courts',¹³² very few officials acquired a competency in Sinhala.

What emerges forcefully from the evidence available is that British officials adopted a surprisingly varied number of practices in their judicial proceedings. The absence of a written law and an explicitly stated procedural method, the uneven quality of the expounders of law, the employment of different categories of officials with varied backgrounds and training, and the pressure of other duties, could not have produced any uniformity. The appellate system, which could have been a medium to impose uniformity, was albeit ineffectual for that purpose. There was no appeal in criminal matters; the reference of the punishments to the Governor was viewed as an adequate safeguard. In civil matters, there were several tiers of appellate bodies; a strict monetary test of course was applied. The defects of the appellate system clearly emerged in the procedure followed by the highest appellate authority, the Governor. He did not hold a court of appeal, but merely referred the relevant papers to the Deputy Secretary, on whose report he gave 'without discussion, and generally without assignment of reasons, . . . his directions for affirming, reversing or altering the decree of the court below'.¹³³ Governor Sir Edward Barnes admitted in 1827 that 'without some person to prepare these cases for submission to him, it would be impossible for him to find time to go over the voluminous proceedings'.¹³⁴ 'The privacy of this tribunal', in Cameron's contemptuous words, was all the more objectionable because on his own declaration the Governor possessed an exclusive equitable jurisdiction, and an 'equitable jurisdiction, where there are no positive rules of equity, means an unlimited discretionary power over the law'.¹³⁵

130. Evidence of Turnour, C.O. 416/20-G11.

131. Evidence of Downing, 12 Sept. 1829, C.O. 416/19-G4; evidence of Wynn, 26 Sept. 1829, C.O. 416/19-G5.

132. Evidence of Bone, 8 Oct. 1829, C.O. 416/19-G6. Also, evidence of Turnour, C.O. 416/20-G11.

133. Cameron's Report, *P.P.* 1831/32, XXXII (274), 73. The Agent for Sabaragamuva gave the following figures as appeals from his court: 1819—1; 1820—3; 1821—10; 1822—9; 1823—16; 1824—15; 1825—26; 1826—27; 1827—22; 1828—12; 1829—9, C.O. 416/19-G6.

134. Barnes to Bathurst, 4 Jan. 1827, C.O. 54/97.

135. Cameron's Report, *P.P.* 1831/32, XXXII (274), 73. Governor's powers of equity were jealously guarded by him. Barnes once noted that 'the Judicial Commissioner should be told that he is bound to decide all in cases strictly according to the law, the equity of the case, I conceive, solely resting with me'. Barnes' minute on Nile-godagedere Kalu Etna *v.* Kapoogedero Kiri Menika, 9 Aug. 1829, C.O. 416/1919-G4.

The Judicial proceedings of the British officials assumed a formal character which was wholly absent under the old order. With formal proceedings there came the 'modern' trappings. The introduction of professional pleaders was a striking innovation. Proctors, already a common feature in litigation in the littoral, were formally admitted to the courts in the interior by a Proclamation on 17 March 1825.¹³⁶ The rules of admission were stipulated by another Proclamation on 25 March 1825, and the background of legal training implicit in the rules effectively prevented the admission of local inhabitants.¹³⁷ The employment of Proctors, necessitated by a procedural method which increasingly became unintelligible to the average suitor, and the stamp fees demanded in courts of law by the British, resulted in increasing the cost of litigation in the Kandyan Provinces.¹³⁸ *Bulat surulla* of the old order had been a token of respect paid to a judge, though it later degenerated into a bribe,¹³⁹ whereas stamps in the English system were modelled on a different principle, as a payment in respect of the services provided by the judicature. Stamp fees were introduced into Kandy by a Proclamation dated 25 March 1824. The British had a distinct aim in taking this step: the preamble to the Proclamation declared that 'Litigation and Law-suits have increased in the Kandyan Provinces to an extent productive of public inconvenience and vexation to individuals . . . that it is therefore necessary to devise a means of abating this litigious spirit'.¹⁴⁰ The remedy for chronic litigation lay elsewhere, and as Cameron pointed out later, 'penalties are inflicted, not upon those who institute unjust and frivolous suits, but upon those who institute suits of any kind'.¹⁴¹ Furthermore, judging by the concern expressed by the Commission of Eastern Enquiry about excessive litigation in the early 1830's, the introduction of stamps do not seem to have acted as a check.

The British records abound with references to a penchant for litigation among the Kandyans.¹⁴² The Kandyans certainly displayed a litigious spirit during the time of the Kings, especially over land,¹⁴³ but a marked increase

136. Evidence of MacPreston, 25 Sept. 1829, C.O. 416/19-G6. In the Maritime Provinces, the Proctors were at this time subjected to a great deal of criticism for exacting unreasonable fees from clients. See, *Colombo Journal*, 11 May 1833.

137. C.O. 416/19-G5.

138. If Bone's figures are to be trusted, a civil suit before an Agent could cost as much as £1.17.6., a considerable part of which was for stamps, C.O. 416/19-G6.

139. R. Pieris, *Sinhalese Social Organization* (Colombo, 1956.) pp. 155-156.

140. The payment of fees was limited to civil suits, and provision was made to sue in *forma pauperis*. For the Proclamation see, *Ceylon Government Gazette*, 27 May 1824.

141. Cameron's Report, *P.P.* 1831/32, XXXII (274), 71.

142. e.g. Evidence of Agents, C.O. 416/19-G6. For detailed figures of cases tried, see C.O. 416/19-G7 and G8. The low-country inhabitants too were attributed a penchant for litigation. Bennett stated the British view: 'the Singhalese, taken collectively as a nation, may be justly described as most litigious', *op.cit.*, p. 55. The recommendations Cameron put forward too reflected this view. See, Samaraweera, *op.cit.*, p. 126.

143. See, Davy, *op.cit.*, p. 183.

in litigation was noticed under the British. The reasons for this increase lay primarily in the neglect of the traditional courts of arbitration, foremostly the *gamsabhā*. Originating as administrative organs in Rajarata, the *gamsabhā* by Kandyan times had evolved into judicial bodies. D'Oyly described their working thus: 'This Court is frequently held both in the Disavonies and the Upper Districts, and consists of an assembly of the Principal and experienced Men of a Village, who meet at an Ambalam or Shady Tree or other Central Place upon the Occurrence of any Civil or Criminal Matter as Disputes regarding Limits, Debts, Petty Thefts, Quarrels, & c., and after Enquiring into the Case, if possible settle it amicably, declaring the Party which is in Fault, adjudge Restitution or Compensation and dismissing with Reproof and Admonition, their Endeavours being directed to Compromise and not to Punishment'.¹⁴⁴ By all accounts the *gamsabhā* were in a flourishing state at the time of the conquest, but they received scant attention from the British in their judicial administration. After the conquest they continued to function, but were later superseded by the new courts established under the Proclamation of 21 November 1818. The *gamsabhā* were not only ignored but also the people seemed to have been encouraged to take their disputes to the new courts of law. The Judicial Commissioner, who held powers to refer suits instituted in his court to *gamsabhā*, reported in 1830 that only three disputes were sent to the tribunals, while the reports of the Agents indicate that this procedure was followed by them even more rarely.¹⁴⁵ The change over from courts of arbitration, which functioned as safety valves for the litigious spirit under the old order, to British devised formal courts of law, undoubtedly resulted in an increase in litigation; the recording system of the new courts made the increase more 'visible'.

The judicial administration designed by the British for the Kandyan Provinces thus seemed to have displayed in its working more the worse features of the two systems which contributed to its formation. Judged by the ultimate test of the British themselves, incidence of litigation, about which they expressed almost a pathological concern not only in Ceylon but also elsewhere in the empire, the hybrid was a failure. In the absence of detailed investigations it is difficult to assess the impact of the changes of the British on the Kandyans with any certainty. They undoubtedly faced considerable changes. The new courts of law brought in unaccustomed formalities and technicalities and enforced an alien language for the conduct of proceedings. The traditional

144. D'Oyly, *op.cit.*, p. 28.

145. Wright to commissioners, 25 Sept. 1830 and returns of cases referred to *gamsabhā*, C.O. 416/17-G49. c.f. *Gamsabhā* 'only lingered in the remote province of Nuwara-kalaviya, and even then, were seldom used', J. Forbes, *Eleven Years in Ceylon* (London, 1840), i. 71. In Burma, later in the century, a comparable deterioration of the traditional institutions of arbitration under the British led to a build up of litigation. See, J. S. Furnivall, *Colonial Theory and Practice* (Cambridge, 1948), p. 136.

institutions and customs were devalued. *Gamsabhā* almost passed off into oblivion. The 'superstitious aids to justice', oaths and ordeals, which were greatly valued under the old order, lost their solemnity now.¹⁴⁶ The traditional law began to take a different character. Situational concept was lost sight of, and a new rigour was introduced, while concepts like assistance and retribution were eroded away. It is no surprise that when the Commission of Eastern Enquiry conducted its investigations in the Kandyan Provinces, it was 'inundated with petitions declaiming' against the courts of law.¹⁴⁷ The final verdict came from a British official: 'the change being abrupt', wrote Henry Marshall, 'the population in general did not appreciate the alleged advantages'.¹⁴⁸

146. Chiefs represented to the Judicial Commissioner that the incidence of false evidence was due to the absence of solemnity in the oath. They suggested that the oath should be administered inside a *dēvāle* instead of the practice of administering it at the door. Sawers' memo., 12 April 1823, C.G.A. 23/46. On oaths and ordeals under the old orders see, Derrett, 'Laws of the Kandyans', *University of Ceylon Review*, XIV. (1956), 146 and D'Oyly, *op.cit.*, pp. 37-41.

147. Riddell to Horton, 21 March 1832, C.O. 54/118. For examples of petitions see, nos. 366, 434, 444 and 523, C.O. 416/30.

148. Marshall, *op.cit.*, p. 175.

THE REV. A. G. FRASER AND THE RIOTS OF 1915

JAMES T. RUTNAM

On 14 August 1917 the British House of Commons took up the Colonial Office Estimates for debate. On that occasion (owing to constant lobbying by E. W. Perera,¹ who was assisted by D. B. Jayatilaka,²) the matter of the Ceylon Riots³ of 1915 was also brought up for discussion. E. W. Perera had by then been over two years in Britain on a mission seeking redress for the wrongs done to his countrymen. He had laboured hard to collect a large number of earnest and sympathetic persons both in and out of the Houses of Parliament and the Press to support his cause. With great anxiety he waited for the day of the debate for the ventilation of his country's grievances in Parliament.

1. Edward Walter Perera (1875-1953), member of the Ceylon Reforms Deputation to Colonel John Seely, Under-Secretary of State for the Colonies, on 26 October 1909; President, Ceylon National Association, 1910; President Ceylon National Congress, 1926; led Ceylon National Congress Deputation to the Donoughmore Commission, 1927; Resigned from Congress and formed the All-Ceylon Liberal League along with Francis de Zoysa, H. A. P. Sandrasagra, and N. E. Weerasooriya, 20 March 1931; Member, Legislative Council 1921-1930, State Council 1931-1935; defeated at State Council elections for the Horana Seat 1936, Kelaniya Seat 1942. Like his father, Edward Francis Perera (1848-1920), E. W. Perera was an ardent advocate of Buddhist causes, but both remained Christians to the end. See J. A. Will Perera, *E. W. Perera Patriot and Scholar* (Colombo 1953), W. Thalagodapitiya, *Portraits of Ten Patriots of Sri Lanka* (Kandy 1966) pp. 113 to 126, and Sumitta Kuruppu, *The Forgotten Patriot* (*Times of Ceylon* 7 October 1956 p. 17). For a defence of Perera's stand in the controversy over the Donoughmore Reforms, see his article in Sinhalese on *Sinhalese Rights and Constitutional Reforms*, (*Silumina* 22 and 29 October and 5, November 1944).
2. Sir Don Baron Jayatilaka (1868-1944), Member Legislative Council, Ceylon 1924-1931 State Council 1932-1942; Representative of Ceylon Government in India from 1942 until his death on 31 May 1944; scholar, patriot and a great Buddhist leader; author of *The Buddhist Temperance Movement of Ceylon*, London, 1916.
3. The Ceylon 'Riots' of 1915 (28 May to 5 June 1915) began as a religious dispute between the Sinhalese Buddhists and the Indian Coast Moor Muslims at Kandy in the Central Province on the night of Wesak Day 28 May 1915, and soon spread to the other provinces of Ceylon except the Northern, Eastern, Uva and North-Central. Martial Law was proclaimed in the five affected Provinces and, as a precautionary measure for short periods, in the North-Central and Uva Provinces. The Government of the day had panicked, and under Martial Law several innocent people were brutally victimised. The maladministration gave an impetus to the movement for self-government for Ceylon. See P. Ramanathan, *Riots and Martial Law in Ceylon*, 1915, London 1916, Armand de Souza, *Hundred Days in Ceylon*, 2nd. Edition (Colombo 1916) and Albert Wickramasinghe, *Reminiscences of the Riots of 1915*, Colombo 1941.

Philip Morrell,⁴ Liberal Member for Burnley, and Joseph King,⁵ Liberal Member for North Somerset, intervened in the debate⁶ with vigorous speeches on behalf of Ceylon. They were followed by Sir Arthur Steel-Maitland⁷ who spoke on behalf of the Secretary of State for the Colonies. For our present purpose the relevant remarks made during these proceedings are as follows:⁸

SIR ARTHUR STEEL-MAITLAND: ...There is, as far as I know, perfectly clear evidence that the matter was not accidental fire or any attempt to set alight the heather. That was not the case, and it really spread because it was largely a matter of design. I assure the Hon. Member I am not only speaking with information from official sources, but I have also gathered information from some of the best non-official sources in Ceylon. I remember having long conversations with unofficials, conversations with persons who came back from Ceylon, and certainly that was the opinion of a perfectly unbiased man like Mr. Fraser.⁹

MR. KING: Has the Hon. Member seen the report of Mr. Fraser in which he definitely says that there is no conspiracy and will he quote it?

SIR ARTHUR STEEL-MAITLAND: I am afraid I cannot quote it because I have not got it here.

MR. KING: I have.

This was not the first time that Steel-Maitland had overshot his mark. Perera himself had some caustic comments to make concerning Steel-Maitland's remarks in Parliament¹⁰ some two years earlier on the Ceylon Riots, that while in Singapore there was no possibility of German^{10a} intrigue, in Ceylon

4. Philip Morrell (1870-1943), Liberal Member of the British House of Commons, South Oxfordshire, 1906-10, Burnley, 1910-1918.

5. Joseph King (1860-1943) Liberal Member of the British House of Commons, North Somerset, 1910-1918.

6. The speeches are recorded in the *Parliamentary Debates (Official Report) House of Commons*, London 1917 Vol. XCVII, 6 August to 21 August 1917, columns 1039-1054.

7. Rt. Hon. Sir Arthur Herbert Drummond Ramsay Steel-Maitland (1876-1935), Conservative Member of the British House of Commons, Birmingham (Eastern) 1910-1918, Birmingham (Edrington), 1918-1929; Under-Secretary of State for the Colonies, May 1915 to December 1917; Privy Councillor 1924.

8. This is the account given by E. W. Perera in *My Mission to England*, see fn. 11 *infra*. The extract seems to have been taken from the "uncorrected" *Hansard* (British), issued immediately after the proceedings. The "corrected" Official Report (see fn. 6 *supra*) contains a few verbal changes, but these are of no material significance.

9. Rev. Alexander Garden Fraser (1873-1962); M. A. (Trinity College, Oxford) 1895; Principal Trinity College Kandy (1904-1924); Ordained as priest at Kandy 9 September 1915; Principal Prince of Wales College, Achimota (1924-1935); revisited Ceylon 1935 and 1949. After Ceylon attained independence, her first Prime Minister, D. S. Senanayake, offered Fraser the honour of being a Distinguished Citizen of Ceylon. See W. E. F. Ward, *Fraser of Trinity and Achimota*, Ghana Universities Press, 1965. To the Ceylonese reader, Fraser's career in Ceylon might seem inadequately covered by this book. See also fn. 77 *infra*.

10. "House of Commons Debates, 5th Series Vol. LXXIII, Speech of Steel-Maitland, 21 July 1915", Dr. P. T. M. Fernando *The British Raj and the 1915 Communal Riots in Ceylon*, *Modern Asian Studies* Vol. III: 3 (1919) p. 250 fn. 32; see C. O. 54/782 Chalmers to Bonar Law, Telegram, 23 July 1915; CNA 4/434 Bonar Law to Chalmers, Telegram 28 July 1915; *The Ceylon Independent* 21 August 1915, p. 1; also *Hansard* (British House of Commons) 6 July 1915.

10a. Germany was at war with Great Britain: World War (1914-1918).

there was a possibility. In his account of his work in England, in a series of articles entitled *My Mission to England*,¹¹ which he published in the *Ceylon Daily News*, from September 1919 to January 1920, Perera contended: "It was just the other way. That impetuous Imperialist [Steel-Maitland] had not properly read the brief prepared for him by the permanent officials at the Colonial Office. *All the heart-burning and subsequent misconception arose out of it*".¹² (emphasis added)

When MacCallum Scott¹³ pointedly questioned Bonar-Law,¹⁴ who was then the Secretary of State for the Colonies, "Can the Right Hon. Gentleman say whether any evidence had been received that German intrigue instigated these Riots", he received the reply, "There is no evidence at all that has reached me to that effect, but I should not be myself inclined to say it was impossible that it had something to do with it".¹⁵ Perera commented, "Mr. Bonar-Law's last answer was characteristic. It was meant to save the Under-Secretary Mr. Steel-Maitland and to shroud the Ceylon happenings in suspicion so that the House might not show any sympathy with our grievances".¹⁶ Perera had added, "Mr. Bonar-Law and Mr. Steel-Maitland, pseudo-Imperialists of the straitest sect ruled the Colonial Office".¹⁷

The casual reference to Fraser in the debate in 1917 had unfortunate repercussions. It sparked off a controversy that threatened to distort, and at one time¹⁸ in its course did distort, the favourable image of Fraser in this country. We propose in this article to consider whether such denigration was deserved.

11. Published in twelve sections: Section I on 6 September 1919, pp. 3 and 4; II 16 September p. 3; III 20 September p. 3; IV 27 September p. 3; V 4 October p. 3; VI 11 October p. 3 and 18 October p. 3; VII 25 October p. 3; VIII 1 November p. 3; IX 22 November p. 3; X 29 November p. 3 and 1 December p. 3; XI 6 December p. 3 and 20 December p. 3; XII 10 January 1920 p. 3 and 17 January p. 3. The first ten of these Sections were republished, with a prefatory note to each Section by James T. Rutnam, in the weekly issues of *Tribune*, Colombo, in August, September, October and November 1967.
12. *Ceylon Daily News*, 13 September 1919 p. 3.
13. Sir Alexander MacCallum Scott (1874-1928), Liberal Member of the British House of Commons 1910-1922; joined Labour Party 1924; author of two books on Winston Churchill (London 1905 and 1916). Scott was the first Member of Parliament who was approached by Perera to take up the Sinhalese cause. Perera was introduced to Scott by his "old and trusted" friend, Henry Evan Auguste Cotton (1868-1939), formerly Liberal member of the British House of Commons, East Finsbury, and editor of the journal *India*.
14. Andrew Bonar-Law (1858-1923), Conservative Member of the British House of Commons from 1900; Leader of Opposition (1911-15), Secretary of State for the Colonies 1915-16, Chancellor of the Exchequer 1916-18, Lord Privy Seal 1919-21, Prime Minister 1921-23.
15. *Hansard* (British House of Commons), 27 July 1915.
16. *Ceylon Daily News*, 13 September 1919 p. 3.
17. *ibid.*
18. In 1924 when Fraser was a candidate for election as Bishop of Colombo, see Appendix D *infra*.

The controversy in Ceylon followed Perera's publication of *My Mission to England*. Towards the latter part of these articles Perera took Fraser to task for circulating a pamphlet marked "private" among members of the House of Commons "ostensibly giving an account of the development of Trinity College but suggesting a novel and original theory of the Riots".¹⁹

In the account of his mission Perera had stated that he saw the report of the Colonial Office debate at Manchester where he was busy soliciting the support of that great journalist C. P. Scott,²⁰ Editor of the *Manchester Guardian*, a very powerful journal at the time. On reading the report of the proceedings in Parliament, Perera called upon his colleague, Jayatilaka, who knew Fraser, to write to him "to correctly ascertain what Mr. Fraser had told Sir Arthur Steel-Maitland". Copies of the correspondence that passed between Jayatilaka and Fraser (except for one letter) are now available among the *E. W. Perera Papers*²¹ at the Library, University of Ceylon, Peradeniya.

According to Perera "Mr. Fraser's correspondence" (which Perera said was not with him as he wrote) "was suave but diplomatic".^{21a} Fraser is reported to have replied that "he did not quite remember what he stated to Sir Arthur Steel-Maitland, but while going very far with Mr. Jayatilaka, and denying privy conspiracy he", (so far as Perera could remember) "favoured the theory of sedition".²² Let the letters^{22a} now speak for themselves:

19. *Ceylon Daily News* 6 December 1919 p. 3.

20. Charles Prestwich Scott, (1846-1932), Editor *Manchester Guardian* 1872-1929; Liberal Member of the British House of Commons for Leeds Division of Lancashire 1895-1906; E. W. Perera was introduced to the *Manchester Guardian* by H. E. A. Cotton, see fn. 13 *supra*. Perera rushed a copy of *Sessional Paper VI of 1917* on the Kegalle Shootings as soon as he received it from Ceylon to the *Manchester Guardian*, which scored a scoop by publishing on 2 November 1917 long passages from it of Governor Anderson's despatch, causing public outcry in liberal circles in England.

21. *The E. W. Perera Papers* consist of correspondence, manuscripts and typescripts and typescript drafts, copies of letters and articles and some press-cuttings and leaflets that belonged to E. W. Perera and (a few) to his father, E. F. Perera. Unlike several of his contemporaries E. W. Perera had carefully preserved them. A part of this collection is in the Library, University of Ceylon, Peradeniya, and is here referred to as *PPU*. Some, *PPH*, are with Professor D. E. Hettiaratchi, Editor of the *Sinhalese Encyclopaedia*, Colombo; some, *PPA*, with Dr. T. B. H. Abeyasinghe of the University of Ceylon, Colombo. Thanks to the late Shelton C. Fernando of Colombo, E. W. Perera's letters to Leonard Woolf, *PPCNA*, have come into the possession of the Ceylon National Archives. Some other *E. W. Perera Papers*, *PPERI*, to which the writer has direct access, are available at the Evelyn Rutnam Institute, 35 Guildford Crescent, Colombo 7. The writer is grateful to H. A. I. Goonetilleke, Librarian University of Ceylon, Peradeniya, Professor Hettiaratchi, Dr. Abeyasinghe, the late Shelton C. Fernando, Amarawansa Dewaraja, Government Archivist, and G. P. S. H. de Silva, Assistant Government Archivist, for their kindness in making the papers in their custody readily available to him. Copies of the correspondence between Fraser and D. B. Jayatilaka are in *PPU* and attention was specially drawn to these by H. A. I. Goonetilleke, Professor K. M. de Silva and W. J. F. La Brooy of the University of Ceylon, Peradeniya, to all of whom and to Professor T. Nadaraja of the University of Ceylon, Colombo and Dr. M. W. Roberts of the University of Ceylon, Peradeniya, the writer is indebted for unflinching courtesy and encouragement.

21a. *Ceylon Daily News* 6 December 1919 p. 3.

22. *ibid.*

22a. Copies in *PPU*.

This is what Jayatilaka wrote to Fraser:

3 Middle Temple Lane
Temple—London E.C.
21.8.1917

Dear Mr. Fraser,

I have no doubt that like myself you read Sir A. D. Steel-Maitland's speech on matters in Ceylon with much interest. I was very much surprised to find that the Under-Secretary of State renewed the old charge of conspiracy, and I was still more surprised when I found he gave you as his chief authority for this. As I know, you would not wittingly do the Sinhalese people an injustice. I cannot help feeling that the Colonial Office has misunderstood you.

The word "conspiracy" suggests something political and treasonable, and I cannot suppose that, knowing Ceylon as you do, you believe the riots of 1915 to have been in the least degree of this nature, or to have been in any way whatever a matter of design. It would gratify me very much to learn that you dissociate yourself from views so groundless and if you feel at liberty to communicate to me what you have said to the Colonial Office, I shall be very grateful. You know, of course, that I am one of the delegates sent by the Sinhalese Committee to represent matters to the Imperial Government.

With kind regards,
I am,
Yours sincerely,
[Sgd.] D. B. Jayatilaka.

P.S. I am sending a copy of the Official Report of the debate, in case you have not had the chance of reading it before.

To this Fraser replied as follows:

As from 18 Succoth Avenue,
Edinburgh W. 25.8.17

Dear Mr. Jayatilaka,

I received your letter this morning, and with it the first intimation I had had of the discussion in the H. of C. I do not know exactly now what I said to Sir A. Steel-Maitland. But it must have been this in effect. That the mass of the rioters were out against Mohammedans pure and simple on economic and religious grounds, and without any design against British Rule, some indeed believing an attack on Mohammedans would be popular as the Empire was fighting Turkey. But on the other hand, there was in my opinion no doubt that the riots were organised in advance, that there was a small clique of men hostile to Government and representing the opinion of a man like Dharmapala,²³ whose articles were read and who was flattered and well received, that this clique exploited the hatred of the Mohammedans by directing attention to them, and probably in organising and starting the first chief riot outbreaks. But they were not typical of the people as a whole or of the nation. That has been my opinion pretty well right through.

Yours sincerely,
[Sgd.] A. G. Fraser.

23. Don David Hewavitarne (1864-1933) took the name of Dharmapala—Protector of the Dharma—in 1888 and was known thereafter as the Anagarika Dharmapala. In 1932 he became a *Samanera*, and in 1933 was ordained as Sri Devamitta Thero. He was a member of the Buddhist Theosophical movement established in Ceylon by Colonel H. S. Olcott and Madame H. P. Blavatsky from 1880. He broke away from Colonel Olcott, October 1904, and Buddhist Theosophy, March 1906; founded the journal *Sinhala Bauddhaya* and the Maha Bodhi Press in Ceylon, May 1906; he was suspected by the Ceylon Government of being an instigator of the Riots and was for a time prohibited by the Indian Government from leaving Calcutta, where he had established the headquarters of the (Buddha Gaya) Maha Bodhi Society which he founded in 1891. During the reign of terror in 1915 almost everybody in Ceylon denied having had any association with Dharmapala. Even Sir Ponnambalam Ramanathan whom Dharmapala admired and supported (see extract from Dharmapala's letter dated 21 October 1915 from Calcutta to Ramanathan, *Ceylon Daily Mirror*, 26 November 1915 p. 4) had to dismiss his influence as insignificant. See *Hansard: Debates in the Legislative Council in Ceylon*, Session 1913-16, Colombo 1916, 11 August 1915 p. 403; He died at the Mulagandhakuti Vihara in India with the last words, "May I be reborn in a Brahmin family in India to work for the upliftment of Buddhism...." *Buddha Jayanti Memorials*, issued by the Information Department, Government Press Ceylon 1956, p. 56.

P.S. That there was a planned start and some organisation I as living in Kandy can have no doubt.—A. G. F.

It will be noted that Jayatilaka had laid emphasis on the word “conspiracy” which suggested, as he said “something political and treasonable”. Fraser replied that the “mass of rioters had no design against British Rule”. This ruled out treason. But was there a conspiracy? Fraser had evaded using the word. However, he admitted that there was “a small clique of men” who “exploited the hatred of the Mohammedans by directing attention to them and probably in organising and starting the first chief riot outbreaks”. One would conclude that this was a conspiracy by a small clique of men. But Fraser asserted in the same communication that it was “not typical of the people as a whole or of the nation”. He thus absolved the people as a whole and the nation of conspiracy.

One could now understand what was at the back of Perera’s mind when he wrote to Leonard Woolf^{23a} on 29 August 1917 as follows:

Mr. Fraser writes to Mr. Jayatilaka admitting that he suggested to the Under-Secretary the theory of a conspiracy. We are writing to him again and shall later communicate with the Colonial Office.²⁴

Neither the original of the letter dated 31 August 1917 from Jayatilaka to Fraser nor a copy is available at present. But as we have a copy of Fraser’s reply of 5 September, the loss is not material to our present enquiry. Perera’s description to Woolf of the contents of Fraser’s letter to the effect that Fraser *admitted* conspiracy would appear to be both right and wrong. He was right when he spoke of conspiracy, but wrong when he left an inference that it was a conspiracy of the people. This matter was quickly clarified by Fraser’s letter of 5 September which read as follows:

18 Succoth Avenue,
Edinburgh W.
5th September 1917

My dear Jayatilaka,

Thanks for your letter of 31st which I have just received readdressed to me at the above address. You were quite right. I have always denied that there was any conspiracy on the part of the Cingalese people against the Government. But I find it difficult to believe that there was no organisation in advance. For one thing I knew that the riots were going to take place before they took place and warned the authorities to be on their guard in order that there might be no trouble.

Yours sincerely,
(Sgd.) A. G. Fraser.

23a. Leonard Sidney Woolf (1880-1969), Ceylon Civil Service 1904-11; joined Fabian Society 1916; founded (with wife Virginia) Hogarth Press 1917; Woolf was introduced to Perera by Sidney James Webb (later first Baron Passfield) (1859-1947) of the Fabian Society. In his lecture at Colombo on 14 June 1919 Perera said “....it will be more than ingratitude to omit any reference to the valuable services that Mr. Leonard Woolf rendered to the cause and his great kindness to me personally....His active interest in the welfare of Ceylon never abated nor his faith in the justice of our cause shaken by official misrepresentation....” see *Ceylon Daily News* 30 August 1919 p. 3.

24. *PPCNA*, Perera—Woolf letters; a photostat copy of this file of letters was gifted by the late Shelton C. Fernando to the Evelyn Rutnam Institute where it is available

Here we find Fraser categorically denying "any conspiracy on the part of the Cingalese [sic] people against the Government". This was exactly what Perera and Jayatilaka had wanted to enable them to contradict, and indeed to give the lie direct to, Steel-Maitland. They rushed to incorporate what Fraser had admitted, into their famous letter²⁵ beginning "In justice to the Sinhalese people . . .", dated 18 September 1917 to the Under-Secretary of State for the Colonies. "We are in a position to state", they triumphantly declared, "that Mr. Fraser does not in any way support the theory of conspiracy on the part of the Sinhalese people". This was clear and unequivocal and with this declaration the differences or misunderstanding that existed between Perera and Fraser should have for ever disappeared. Unfortunately this was not the case.

At this stage, it would be well to draw attention to two letters²⁶ dated 14 December 1916 and 24 October 1917 written to Perera by his knowledgeable and patriotic confidant, James William de Silva²⁷ upon whom he had placed the highest trust and who was regularly sending Perera news from home. "Mr. Fraser of Trinity College", de Silva wrote in December 1916, "is in England. He is a friend of the Attorney-General²⁸ and others and will no doubt advocate the cause of the officials and support official views as much as he can. He will make it his main business in England".

It is now clear, why Perera had declared in *My Mission to London*, as we shall observe later,^{28a} that he had been informed that Fraser had come up to London as an apologist for the Government officials in Ceylon. But the same James William de Silva who had warned Perera against Fraser wrote him another letter²⁹ on 24 October 1917 saying, "I received a letter from you and one from D. B. after a long time enclosing Fraser's reply. *His reply is not bad as in it*

25. *PPCNA* Perera—Woolf letters; *CNA* 4/462 September/October 1917; *PPU* and *PPERI*; see also *Ceylon Daily News* 6 December 1919 p. 3.

26. The originals are in *PPERI*; photostat copies are in the Ceylon National Archives entitled *Papers on Riots 1915—correspondence of E. W. Perera*.

27. James William de Silva (1862-1947), Barrister-at-Law (Gray's Inn), Member of Ceylon Reforms Deputation to Colonel John Seely on 26 October 1909, see *fn.* 1; an unobtrusive and knowledgeable political worker, de Silva was a member of the Organising Committee of the Ceylon National Congress: see S. W. R. D. Bandaranaike (Editor) *The Handbook of the Ceylon National Congress* Colombo 1928, p. 192; regular correspondent to the *Ceylon Daily News*, writing over the initials "J.S.", see *Ceylon Daily News* 31 May 1917; a large collection of de Silva's letters to E. W. Perera are in *PPERI*, and photostats of these are in the Ceylon National Archives.

28. Sir Anton Bertram (1869-1937), Attorney General of Ceylon 1911-18; Chief Justice 1918-25, Fellow of Peterhouse, Cambridge 1929; he was "a conscientious character who could become jittery under pressure", wrote Sir Henry Monck-Mason Moore of his colleague in Ceylon, in H. A. J. Hulugalle, *British Governors of Ceylon*, Colombo 1913 p. 212. See *CNA* 65/232 Sir Anton Bertram's memo on certain arrests and searches made during the period of Martial Law. "Bertram was one of the few European officials who were sympathetic to Anderson . . ." P. T. M. Fernando *op. cit.*, p. 255.

28a. See *fn.* 47 *infra*.

29. See *fn.* 26 *supra*.

he says there was no conspiracy against Government, but only an organisation to attack the Moors, which too though contrary to fact was believed by him" (emphasis added). This was a gracious act on the part of a severe critic. The tirade about 'conspiracy' should have ended with this. But it did not.

Fraser is on record as having testified with regard to the Riots at a meeting of the Police Inquiry Commission³⁰ at the Kandy Kachcheri, that was appointed on 26 October 1915 by Government with the Chief Justice Sir Alexander Wood-Renton³¹ as Chairman to study the conduct of the Police in connection with the Riots and recommend measures for re-organising the Police Force. On 6 November 1915, a few months after the Riots, Fraser gave evidence before this Commission in the course of which he stated that he did not think there was "any definite pre-organisation" of the Riots. It will be seen that Fraser had maintained this position throughout. The Report³² of the Commission was published as a Sessional Paper in 1916 and it should have been available to Perera for his work in England. Fraser's evidence³³ in this matter is given in the Report as follows:

THE CHAIRMAN: From what you say, did you form any opinion on the question whether the riots in Kandy had been pre-arranged to any extent?

WITNESS: It depends on what you mean by pre-arrangement. If you mean whether there was any definite pre-organisation, I don't think so. That the riots were expected to break out I firmly believe. For instance, on the Saturday night they had runners on the road and got news quickly.

THE HON. MR. PAGDEN: That points rather to pre-arrangement.

WITNESS: Pre-arrangement for Saturday night without doubt, but that does not mean that there was any pre-organisation for a riot, otherwise the people would have known of it on the Friday night.

THE HON. SIR CHRISTOFFEL OBEYSEKERE:^{33a} It was generally talked about in the town that there would be a riot?

WITNESS: There were a fairly large number of rumours to that effect.

30. See *Sessional Paper XVI of 1916* (Colombo 1916).

31. Sir Alexander Wood Renton (1861-1933), Puisne Judge, Supreme Court, Ceylon 1905-1914, Chief Justice 1914 until his retirement in 1918; Chairman (Kegalle) Shooting Inquiry Commission along with Sir Gualterus Stewart Schneider (1864-1938), 1916; Chairman Salaries Commission Ceylon 1921; knighted in 1915, conferred K.C.M.G. 1925, G.C.M.G. 1930; for his differences with Governor Anderson see correspondence in *CNA* 65/232.

32. *Sessional Paper XVI of 1916*.

33. *op. cit.*, pp. 95-96.

33a. Sir Solomon Christoffel Obeyesekera (1848-1926), Proctor, Supreme Court, Ceylon, Nominated member representing the Low-Country Sinhalese in the Legislative Council 1900-1916; knighted 1911. In the Legislative Council soon after the Riots he attacked the "half a dozen misguided designing villains who have been trying to pose as leaders of the Buddhists", and who belonged to the "lower [?] section of the Sinhalese community", as being responsible for the Riots. He referred to them as "a few who are nobodies but who hope to make somebodies of themselves" See *Hansard, Debates in the Legislative Council in Ceylon, Session 1913-16 Colombo 1916*, 11 August 1915, p. 406. For remarks on "nobodies" and "somebodies" see E. F. C. Ludowyk *The Story of Ceylon*, 2nd Edition, London 1967 pp. 221, 222.

In *My Mission to England* Perera stated,

"The Anti-Slavery Society³⁴ was organising a deputation^{34a} to be sent to the Secretary of State. Mr. A. G. Fraser too had conveyed his views to them on the subject but I am precluded from discussing his communication without reference to the Anti-Slavery Society. I was anxious to coordinate our forces as much as possible and arranged that other friends of Ceylon who did not belong to the Anti-Slavery Society should co-operate with them"³⁵

Perera invests Fraser's "views" with a certain amount of mystery and even suspicion. We have not been able to find out what these "views" were at the Rhodes House Library³⁶ in Oxford where the Fraser Papers³⁷ as well as the Archives of the Anti-Slavery Society are now kept. But Fraser's views could not have been very much at variance with those of the members of the Society.^{37a}

Fraser seems to have been held with some regard by the Society, for in a letter³⁸ to Perera dated 23 March 1917, John H. Harris,³⁹ one of the Organising Secretaries had written "We are now preparing our Appeal to the Government for an enquiry. We much hope to get Fraser to come and speak at our Annual Meeting on Ceylon, but I have a note from him this morning saying that he has to leave at once for France".

34. *The Anti-Slavery and Aborigines Protection Society* which Perera recalled, "made the serf a man and broke his chain", is still in existence at the same address viz., Denison House, 296 Vauxhall Bridge Road, London SW 1, under a slightly modified name, the *Anti-Slavery Society for the Protection of Human Rights*. This Society which was supported by retired Christian Missionaries in England has a long and distinguished record of philanthropic service. Perera declared, "To the persistent efforts of this Society working without fee or reward may be traced much mitigation of the effects of Martial Law administration....." *Ceylon Daily News* 30 August 1919 p. 3. In 1909 the *Aborigines Protection Society* founded in 1838 merged with the *Anti-Slavery Society* founded in 1839 to become the *Anti-Slavery and Aborigines Protection Society*. In 1947 the name was changed to the *Anti-Slavery Society* and in the late 1950's the present name was adopted. The records of this Society are preserved in the Rhodes House Library, Oxford, see fn. 36.
- 34a. The deputation was led by the Society's President Sir Thomas Fowell Victor Buxton (1865-1919) and was received at the Colonial Office on 16 January 1918.
35. *The Ceylon Daily News* 20 December 1919, p. 3.
36. This is a department of the Bodleian concerned with Commonwealth and United States history and was established as a dependent library in 1928. The writer is obliged to Annamuttu Muttukumaru of Somerville College and F. E. Leese of the Library for the kind assistance given him when he visited Oxford in 1970 to examine the Fraser and Anti-Slavery Society Papers available at the Library.
37. A large collection of letters, manuscripts and printed documents belonging to Fraser are in this library. An interesting autobiographical account (incomplete) is also here. But we were not able to trace the elusive "Report of Trinity College, Kandy 1915" in this collection.
- 37a. For example, see Fraser's letter dated 17 March 1917 to Harris, one of the Organising Secretaries of the Society, *Fraser Papers*, Rhodes House, Oxford.
38. In *PPERI*.
39. Sir John Hobbs Harris (1874-1940) formerly a Christian Missionary in Africa, Secretary to the Anti-Slavery and Aborigines Protection Society; Liberal Member of the British House of Commons for North Hackney 1923-1924; author of several books including *Slavery or Sacred Trust* London 1926, and *A Century of Emancipation*, London 1933.

On 8 October 1916 Fraser left Ceylon for England to take part in the War⁴⁰ against Germany. He served at the Western Front as a regimental chaplain during 1917 and 1918. He was gassed and invalided⁴¹ out of the Army in June 1918, shortly before the end of the War. He returned to Ceylon in February 1919 having regained his health. But soon thereafter on 9 April he left the island, this time to preside over a Missionary Commission on Indian Village Education.

Perera too returned to Ceylon in 1919. He had been away in the United Kingdom for over four years, during a part of which time D. B. Jayatilaka served with him as his colleague. Perera had been an indefatigable worker on behalf of his country. He was virtually the first Ceylonese permanent envoy at the capital of the British Empire! Anything of national importance pertaining to Ceylon, not necessarily matters relating to the Riots, passed through his or Jayatilaka's hands. Together with Jayatilaka he pleaded for political reforms for this country, and was the mouthpiece in London of Sir Ponnambalam Arunachalam⁴² and his band of patriots.

Perera was responsible for bringing the Appeal in the *Gampola Perahera Case*⁴³ before the Judicial Committee of the Privy Council in 1916. The Appellant for whom Perera had appeared finally withdrew the Appeal, but not without suffering a judicial pronouncement favourable to the Respondent being incorporated in the judgement of the Privy Council. From the very beginning Perera had been actively associated with this case, which he described in Pope's words as the "direful spring of woes unnumbered".⁴⁴ It must have been a great disappointment to him to find that at the end he was unable to prevent inclusion in the Privy Council Judgement of a passage that was tantamount to a repudiation of the permanent validity of the Kandyan Convention of 1815, the bedrock of his entire case.

-
40. World War (1914-1918); Fraser who had urged some of his senior students to volunteer for War Service felt that he too should join them "Alek [Fraser] had been feeling restless...staying safe in Ceylon while his pupils were volunteering for active service", Ward *op. cit.*, p. 118.
41. For some time his voice was badly affected. Earlier he was knocked down by a lorry, and had suffered from two broken ribs and a touch of pleurisy.
42. Sir Ponnambalam Arunachalam (1853-1924), for some time Official Member of the Executive and Legislative Councils, Ceylon; leader of the "Ceylonese Reformers"; author of *Our Political Needs*, Colombo 1917; first President Ceylon Reform League 1917; Founder Ceylon National Congress, 1919; Perera spoke of him as one whose "name, his personality, his connection with the cause of Reform have helped us considerably to secure recruits and further the cause in England", *Ceylon Daily News* 16 June 1919 p. 5. On Arunachalam's death the *Ceylon Daily News* described him as "the most powerful personality in Ceylon of the last decade", 10 January 1924 p. 6. For a sketch of his life and work see [James T. Rutnam] *Ponnambalam Arunachalam* published by the Arunachalam Centenary Committee, Colombo 1953.
43. See Appendix A *infra*.
44. Pope's translation Homer's *Iliad* I. i.

Perera was an advocate *par excellence* of national causes; indeed that was his undoubted role, not only on the public platform but also in the legal forum and the Council Chamber. He was a master of the pointed phrase which he would wield with *finesse* like a rapier; and of withering sarcasm that often came upon the heads of his opponents like a blow from a sledge hammer. His "asides" whether spoken in intimate whispers or with a rasping derisive scorn were fearful and formidable.

On his return in 1919, Perera gave a heartening account of his stewardship to his countrymen. Nothing substantial or material had emerged from his mission. Its more lasting effect on the political scene was not discernible at the time. No Royal Commission of Enquiry into the Riots was appointed. Nevertheless the fight was valiantly fought, and the tale, as befitting the teller, was valiantly told. It was in this historic account of Perera's stewardship that the dead embers of the Fraser controversy were re-kindled to burn with an ominous glow.

As a preliminary and a personal approach to the people, Perera delivered a lecture on 14 June 1919, at the Tower Hall in Colombo, with Sir Ponnambalam Arunachalam in the chair on "Political Work in England".⁴⁵ No reference whatsoever was made to Fraser at this time. Perera however acknowledged the help rendered by Arunachalam who had written letters to his influential friends in official circles in England on the situation in Ceylon. It was some time later that Perera went into great detail about his labours in England when he wrote the articles entitled *My Mission to England*.

The subject was exhaustively treated in these articles with numerous references to the correspondence and conversations exchanged and to various accounts of speeches and comments published in the British Press. The labours of Perera and Jayatilaka were well chronicled; so were the efforts made by British friends and supporters from all quarters. It is a most valuable record deserving of publication as a book. In the last three Sections of these articles, Sections X, XI and XII, Perera referred to the part supposed to have been played by Fraser in England.

In Section X⁴⁶ Perera republished the extract from *Hansard* that referred to the exchanges between Steel-Maitland and King in connection with Fraser's communication with Steel-Maitland.

In Section XI⁴⁷ Perera wrote:

45. A letter from Arunachalam to Perera inviting Perera to deliver this lecture is in *PPH*; Owing to Censorship prevailing at the time, only a brief account of this lecture was published in the *Ceylon Daily News* on 16 June 1919, although Arunachalam's favourable comments were published in full; with the lifting of the Censorship the *Ceylon Daily News* published the full text of Perera's lecture on 30 August 1919.

46. *Ceylon Daily News* 1 December 1919 p. 3. See *fn.* 8 *supra*.

47. *Ceylon Daily News* 6 December 1919 p. 3.

... Mr. A. G. Fraser the Ceylon Missionary, had according to the Colonial Under-Secretary, testified to the disloyal nature and the organised character of the riots, like his episcopal chief, who had condoned the shootings and applauded the officials. I had received the information from Ceylon, which at the time I did not believe, that the Rev. A. G. Fraser had come up to London on the suggestion of the local Government officials as a witness of their views and an apologist for them at Downing Street. I did not personally know^{47a} Mr. Fraser but had heard a great deal about him: the son of Sir Andrew Fraser^{47b}, Governor of Bengal, he was a great Imperialist and a great Missionary.

Charging Fraser with wrongfully testifying to Steel-Maitland, Perera continued:

It will not be irrelevant to say in this connection that the Rev. A. G. Fraser had circulated a pamphlet marked 'private' to Members of the House of Commons ostensibly giving an account of the development of Trinity College, but suggesting a novel and original theory of the Riots in which is emphasised the part that the reverend gentleman took in securing justice, punishing perjury and above all stopping the rising or rebellion from spreading by using his extraordinary influence with the great Highland Chiefs with whom he was friendly. As I may have unwittingly done injustice to this Imperialist Missionary by a short and inaccurate summary of the scope and character of his pamphlet which I only had for a few moments in my hands, I hope Mr. Fraser will remove all misapprehension by communicating his pamphlet to the Press now that the Censorship is removed.

In Section XII,⁴⁸ Perera described a meeting held in 1918 in the rooms of the Indian Association⁴⁹ at Edinburgh, where he delivered a lecture on the "Premier Crown Colony" and stated:

- 47a. E. W. Perera had exchanged letters with Fraser earlier. The writer had seen a letter from Fraser to Perera in *PPERI*, where Fraser had discouraged Perera from republishing the account of the controversy in August 1873 between the Buddhists and Christians at Panadura. This debate was originally reported by a "special reporter" in the *Ceylon Times* and later issued as a pamphlet with a prefatory note by "J.C.". It was again published in America and in the words of E. W. Perera "formed the starting point of the renaissance of Buddhism and a national awakening in Ceylon", *PPERI*; it was a copy of this pamphlet that came into the hands of Colonel Olcott and led to his eventual visit to Ceylon to herald the Buddhist revival in this country; E. W. Perera's father, E. F. Perera, was the "reporter" of this debate. The credit had usually gone to John Capper (J.C.), who of course was the Editor of the *Ceylon Times*. E. F. Perera was made a Fellow of the Theosophical Society of America by Olcott in June 1880. He was the first President of the Lanka Lodge for Occult Research (Lanka Theosophical Society?) with young H. J. C. Pereira (1861-1924) as Secretary and was a close friend of Col. Olcott and Madame Blavatsky, copies of whose correspondence with Perera (Snr.) and a manuscript copy of Perera's Report of the Panadura Controversy are in *PPERI*.
- 47b. Sir Andrew Henderson Leith Fraser (1848-1919). Born in Bombay, son of Rev. Andrew Garden Fraser a Presbyterian Missionary, who served sixty years in India; Indian Civil Service 1869 to 1903, Lieutenant Governor of Bengal 1903 to 1908. He faced the violent agitation that followed Lord Curzon's partition of Bengal and survived repeated attempts on his life; he personally did not favour partition but was obliged to support the Viceroy. See *Dictionary of the National Biography* 1912-1921, London 1928, pp. 197 and 198.
48. *Ceylon Daily News* 10 January 1920 p. 3.
49. A Notice of this meeting on 12 January 1918 signed by R. M. Johri, Secretary Edinburgh Indian Association is in *PPH*; The title of the lecture was described as, "The Premier Crown Colony: its Past, Present and Future".

... in addition to the Indian and Ceylon students, several residents of Edinburgh were present including Mrs. W. T. Stead, Mrs. A. G. Fraser, Mrs. Oldham and the Professor of the University. Mr. Panitkar⁵⁰ presided and I had a very friendly hearing, the only occasions of interruption being when my enthusiastic audience felt that my terms of denunciation and the language employed were not commensurate with the horrors perpetrated in Ceylon.

Continuing Perera wrote:

Amid sympathetic comment and friendly query Mrs. Fraser raised a challenging note. While exceedingly friendly and courteous to me personally, she maintained in language of studied calmness and moderation but with great firmness the official view of the Colonial authorities that the riots were very serious, hence Martial Law was the only remedy and that once Martial Law was proclaimed—our government moves slowly—it cannot be readily withdrawn. While reciprocating the courtesy and assuming the seriousness of the Riots I pointed out that there was no justification, legal or moral for surrendering the island to the soldiery instead of using the military. Distinguish the Prussian method, which was employed in Ceylon, from the British method, which made the Civil administration employ the soldier as an instrument instead of making the jackboot supreme over the civil power. Moreover under British Law, Martial Law, which was negation of Law, ought to cease as soon as order was proclaimed.

Perera wrote further:

I had no hesitation in affirming these principles, as I told the audience, for I had the authority of the highest legal opinion in England on the subject. Moreover the text of the testimony in the Kegalle Shootings Enquiry with the commentary in Sir John Anderson's⁵¹ despatch dispelled any doubt as to the frightfulness that was

50. Kavalam Madhava Panikkar (1895-1963), Indian statesman and scholar.

51. Sir John Anderson (1858-1918), Permanent Under-Secretary of State for the Colonies 1911-1916, Governor of Ceylon 1916 until his death from cancer on 24th March 1918; in the Colonial Office he generally opposed E. W. Perera's moves and was largely responsible for preventing Ponnambalam Ramanathan from obtaining an interview with the Secretary of State, Anderson following the usual Colonial Office practice of relying on the advice of the "man on the spot", who in this case was successively Robert Chalmers, a former Permanent Secretary to the Treasury, and Reginald Stubbs, formerly of the Colonial Office. In *My Mission to England* Perera wrote, "Facts justify the conclusion that were it not for his [Anderson's] unreasoning and persistent opposition, the pressure of Parliamentary opinion would have induced Mr. Bonar Law to grant a Commission of Enquiry long ago", *Ceylon Daily News* 13 September 1919 p. 3; On the announcement of Anderson's appointment as Governor of Ceylon, Perera expressing great disappointment wrote, "Sir John Anderson succeeds Sir Robert Chalmers, the one man for whose exclusion from the Governorship all Ceylonese would have voted to a man". He also wrote, "Sir John Anderson is Governor. So Amurath succeeds Amurath"; See copies of Perera's letters dated 1 December 1915 to H. E. A. Cotton and H. J. C. Pereira, *PPH*. To Armand de Souza, the Editor of the *Ceylon Morning Leader*, Perera wrote on the 21 January 1917, "It is known here that Sir John Anderson is the greatest reactionary that ever went to the East, not excepting Lord Curzon", See copy *PPA*. However Anderson, who had assured Bonar Law, See *Ceylon Daily News* 4 October 1919 p. 3, that he would enquire every case of injustice with an "open mind" became the most popular of all British Governors. His despatch to the Secretary of State for the Colonies, Walter Long, on the Kegalle Shootings, see *Sessional Paper VI of 1917*, was a sensational document, which marked a complete reversal of official opinion on the measures adopted to suppress the Riots. For his forth-rightness in condemning the excesses of the local British planters and officials, he was hated by the "prestige" obsessed Europeans in the country. The horse-driven gun-carriage that carried his coffin for interment at the General Cemetery Colombo was rushed in a undignified gallop to the consternation and distress of all of us who saw it. For a description of this incident see D. S. Senanayake's letter dated 10 April 1918 to D. B. Jayatilaka published in *Tribune*, Colombo, 15 March 1970 with a prefatory note by James T. Rutnam an eye-witness to the incident. Many years afterwards, W. T. Stace who served in the Public Service at the time explained that "the cortege was trotted instead of being walked", because neither horses (from the Ceylon Mounted Rifles) nor men had been trained in such an exercise; See E. F. C. Ludowyk, *op. cit.*, p. 144.

being enacted in Ceylon. Prof. Whittaker (University of Edinburgh) in very generous terms moved a vote of thanks to me. Mrs. W. T. Stead came up and expressed her horror at the atrocities and her sympathy with the people of Ceylon. Mr.⁵² [sic] Fraser too spoke to me after the lecture.

It would seem from the above that Perera had drawn Mrs. Fraser into the fray with some degree of vehemence for venturing what appeared to Perera a contrary view to that held by him.

Fraser was in Ceylon for nine days in October 1919. He was however away from this country when the references to him appeared in the *Ceylon Daily News*. No protest seems to have been lodged on Fraser's behalf when these appeared during his absence. But there is no doubt that the charges made by Perera were the talk of the town, and Fraser's friends, notably past pupils of Trinity College, most of whom could not have for a moment imagined Fraser ever behaving in the manner alleged, were embarrassed and indeed outraged. They bided their time until Fraser returned, although meanwhile Fraser wherever he was, was probably apprised of these incidents. According to Fraser,⁵³ he came to read the articles containing the charges against him, in India some two months after they had first appeared.

Fraser was in Ceylon with members of his Commission for a few weeks in June 1920, before he left for England to complete his report on Village Education. After finishing his assignment he returned to Trinity College in February 1921.

Fraser who was so much at home in this country from 1904 and had in a way integrated himself into the life of the community here, and who in April 1919, during an all too brief stay in the island after the War, had publicly advocated in the Press manhood suffrage⁵⁴ for Ceylon even before the Ceylon National Congress saw the light of day, discovered to his chagrin, that he had now in February 1921 come under a dark cloud of suspicion and hate.

52. Obviously an error for "Mrs."

53. See Report of Fraser's lecture at Kandy, *Ceylon Daily News* 24 October 1921, p. 1.

54. Fraser wrote, "Personally I would like to see manhood suffrage", see A. G. Fraser *Constitutional Reform in Ceylon* (*Times of Ceylon* 24 April 1919); Fraser described the proposals of the "Ceylonese Reformers" as "moderate", to which criticism Sir Ponnambalam Arunachalam, who also favoured a wide franchise, had to plead that they had to "educate" and "conciliate" "our own Tories". (*Times of Ceylon* 28 April 1919). The Ceylon National Congress held its "first session" on 11 December 1919. In the Report of Trinity College Kandy for 1918 Fraser had written "So I want a wide franchise open to the illiterate, manhood suffrage if possible. It would after the first two or three elections make the corruption of the electors almost impossible....." (quoted by Ward *op. cit.*, p. 132). See also Colonel Seely's remarks on manhood suffrage to E. W. Perera and the other members of the Ceylon Reforms Deputation on 26 October 1909 that "it was impossible to draw up a scheme of representation approaching self-government unless on a basis of something like manhood suffrage for which the country was not ripe", Perera's notes of the interview, *PPERL*; See Secretary of State Crewe's despatch dated 24 December 1909 to Governor McCallum where Seely's remarks are repeated with the substitution of *adult suffrage for manhood suffrage*; S. W. R. D. Bandaranaike *op. cit.*, p. 65.

He was supposed to have worked against the Buddhists, against the Sinhalese, against this country, while he was away in England. His conversation (and perhaps his correspondence) with Steel-Maitland, over the Ceylon Riots and a publication in the same connection of an alleged secret Report, formed the basis for the charges against him.

This must have been a most galling experience for Fraser. Of all persons, Fraser had hitherto prided himself that he had done some really valuable service to the people during the Riots and their aftermath, for (as he had himself imagined and as will appear later) did he not scotch a threatened conflagration at its source?⁵⁵ Did he not pour oil on troubled waters when the tension was at its worst? Did he not, in the dead of night, face almost single-handed and unarmed, a furious mob of hooligans and restrain them with his antics and quaint humour from besmirching the fair name of this country? Did he not bring the lion and the lamb—the Sinhalese and Muslim leaders—together at Kandy, cool their tempers and lead them to the Governor⁵⁶ in order to restore peace and goodwill? And was this to be the reward? Perhaps Fraser had exaggerated his role at this tragic hour. We shall see.

Meanwhile we have to acknowledge that during these dreadful days when the Government ran amok, and when Sinhalese Buddhists were in dire peril from the military bully, and at the mercy of every liar and perjurer, the Christian Missionaries,⁵⁷ almost all of them, both foreign and local, had been of

55. See Appendix D *infra*.

56. Fraser was one of the earliest to see the Governor (Sir Robert Chalmers) in connection with the Riots when the Governor who was in Nuwara Eliya arrived at Kandy on 1 June 1915. The diary of the Private Secretary (W. T. Southorn) to the Governor has the following entries: "c 6 p.m. Fraser of Trinity College comes to see H.E., tells P.S. he thinks Paranagama and Ratwatte Korala (both have been assaulted) and all Ratwattes—also Aluwihares—are sound. He sees H.E. re a proposed deputation of leading Buddhists and Moors to H.E. tomorrow...." "2 June, 9 a.m. H.E. interviews 4 Moors and 4 Sinhalese in Kandy....At c 2 p.m. H.E. sees Fraser". See Confidential File, *Diary of Riots of P.S. to Governor*, May 31 to June 6 [1915], *CNA* 65/228; see also Appendix C *infra*. While Chalmers and Fraser were busy trying to compose matters in Kandy, the Colonial Secretary Stubbs, it would seem from his letter dated 2 June 1915 to A. E. Collins his former colleague at the Colonial Office, was fretting and complaining at Colombo. Stubbs wrote, "H.E. is still hesitant and conferring with the people in Kandy, who can do nothing here, even if they want to, which I doubt", C.O. 54/782 (29056); see Charles S. Blackton *The Action Phase of the 1915 Riots*, *The Journal of Asian Studies*, Vol. XXIX: 2 (February 1970) p. 242 *fn.* 36. Southorn has also recorded in his diary (2 June) after telephone communications with Colombo that the Colonial Secretary is of the view "that something like revolution will break out tonight if situation not handed over to military under Martial Law". J. G. Fraser Government Agent of the Western Province, R. W. Byrde Mayor of Colombo and E. B. Denham are also recorded by Southorn as holding the view that "Martial Law is now the only course".

57. See Appendix B; also see Rev. W. H. Rigby's correspondence with P.S. to Governor Chalmers, *Sinhalese Memorial to Bonar-Law 25 November 1915*, Appendix XVII. The notable exception among the Christian missionaries was Rev. Henry Long (1873-1918) who according to Perera "is doing his best to prevent an Enquiry and nurses a deep seated rancour against the Sinhalese". Perera's letter dated 24 February 1916 to Francis de Zoysa (1879-1938) copy in *PPA*. See also *London Quarterly Review* July 1916 pp. 120-125.

great help, in Ceylon as well as in England, to the unfortunate victims of the holocaust. One of these great Christian gentlemen was the Rev. J. Simon de Silva,⁵⁸ who is distinguished both for his scholarship and patriotism. His diary, kept during those times of trouble, is now available.⁵⁹ It affords interesting reading and is a graphic record of the contemporary scene as the grim spectacle unfolded itself from day to day. Fraser's name appears in two places in a portion of this diary.⁶⁰

On the 19th July, 1915, de Silva had noted in his diary:

'Had the valuable advantage of the presence of Mr. Fraser of Kandy who is using his great influence with Government on behalf of the people'.

On the 12th May, 1916, de Silva wrote:

Went with F. R. Senanayake⁶¹ to see Mr. Fraser in order to seek his help in approaching the Governor in connection with riot prisoners still in incarceration.

The extracts from the Rev. Simon de Silva's diary would give some glimpses, as seen from a particular angle, of the activities behind the scenes at the time. At the height of the crises during July 1915 it was acknowledged that Fraser was using his "great influence with Government on behalf of the people"; and so well it would appear he had laboured "on behalf of the people" that even after an interval of a year the Rev. Simon de Silva goes out to see him with F. R. Senanayake for further "help".

When Perera made his adverse comment on Fraser in the *Ceylon Daily News* of 6 December 1919, the Editor of that paper added a note in its editorial column as follows:

58. Rev. John Simon de Silva (1868-1940), Wesleyan Methodist minister from 1892; Sinhalese Litterateur, author of a weekly column *Kalina Lipi* in the Sinhalese newspaper *Dinamina* 1915-1938; edited *Rivikirana* and *Gnanodya*, two Christian journals; active worker in the Temperance movement; Christian nationalist; in 1913 he organised with Dr. Paul E. Pieris and others an annual National Day observance on the Sinhalese and Tamil New Year's Day. See his diaries in the possession of Sriani and Ratna de Silva of Colombo, with whose kind permission we are able to publish a portion of the diary as Appendix B *infra*. This useful contemporary record was brought to light by Dr. M. W. Roberts of the University of Ceylon, Peradeniya.
59. Copy in Library, University of Ceylon, Peradeniya.
60. See Appendix B.
61. Frederick Richard Senanayake (1882-1926) B.A., LL.B., (Downing College, Cambridge), Barrister-at-Law (Lincoln's Inn); Interned with his brothers D. S. Senanayake, future Prime Minister and D. C. Senanayake at Welikada Jail Colombo during the Riots. F. R. Senanayake contributed generously to the "Royal Commission Fund" of which he was the Hon. Treasurer. The expenses of Perera and Jayatilaka during their stay in England were to a large degree defrayed from this Fund. F. R. Senanayake became the most influential Sinhalese leader from the time of the Riots until his untimely death. Together with Sir Ponnambalam Arunachalam he convened a "Sinhalese Conference" at the Tower Hall, Colombo on 20 September 1919, at which Arunachalam, speaking in Sinhalese, on behalf of the convenors inaugurated "a movement in the Sinhalese districts of the Island" for "political, social and economic improvement", See *Ceylon Daily News* 22 September, 1919, p. 1. F. R. Senanayake became the first President of this organisation which was eventually named The Lanka Maha Jana Sabha. Although Senanayake did not himself aspire to be a Member of the Legislative Council, he was a powerful "Member-maker" in the Sinhalese districts during the Legislative Council Elections of 1921.

Suspicion and doubt are ever the most prolific causes of discord and it must be the endeavour of all right-minded persons to remove doubt and to allay suspicion. It is for this reason that we appeal to the Rev. A. G. Fraser with some confidence. In Mr. E. W. Perera's absorbingly interesting article which appears today, Mr. Perera states *with considerate reluctance* an impression conveyed to his mind by a passing perusal of a pamphlet by Mr. Fraser, 'ostensibly giving an account of the development of Trinity College, but suggesting a novel and original theory of the Riots in which is emphasized the part that the reverend gentleman took in securing justice, punishing perjury and above all stopping the rising or rebellion from spreading by using his extraordinary influence with the great Highland Chiefs with whom he was friendly.' Mr. Perera as a faithful historian of the activities of the Ceylon deputation in England feels bound to make the statement, but with characteristic fairness Mr. Perera adds, 'As I may have *unwittingly done injustice to this Imperialist Missionary by a short and inaccurate summary of the scope and character of his pamphlet, which I only had for a few minutes in my hands, I hope Mr. Fraser will remove all misapprehension* by communicating his pamphlet to the Press'. This is a suggestion which we heartily second. Mr. Fraser during his career in Ceylon has acquired a reputation which few of his brethren can ever hope to match. And we feel sure that Mr. Fraser owes it to himself no less than he owes it to the people of this country to take them into confidence in this matter. The members of the Anglican Communion who have reason to *mourn the defection of those in high places, and among whom we understand, are not a few who look to Mr. Fraser to supply in his time what is lacking at present in that exalted quarter*, will also be anxious to have their minds set at rest on this vexatious point. Accurate information and perfect understanding make for peace and harmony, and we have no doubt that Mr. Fraser will not deny accurate information of the nature of his pamphlet by causing it to be published so that the people of this country may arrive at a perfect understanding of a personality who has always been very prominent in our midst (emphasis added).

No response came from Fraser to this earnest appeal, the probable reason being that he was away from the island and was unaware of the charge. On 5 March 1920, the *Ceylon Daily News* published a letter from an anonymous correspondent who signed himself "A Sinhalese Christian". He declared "The papers report that Mr. Fraser is in the island now. I trust he has completely recovered from the attack of dysentery and is once more fit for work. I think the time has come for Mr. Fraser to give to the world at large the views and ideas expressed by him *in the pamphlet*" (emphasis added). The Editor of the *Ceylon Daily News* supported this letter by taking the unusual step of republishing under the caption "A Second Invitation to the Rev. A. G. Fraser" its own editorial appeal that had appeared some three months earlier, on 6 December 1919.

There was no response from Fraser to this too. Although "A Sinhalese Christian" had assumed that Fraser was in Ceylon, it is just possible, if that were so, that Fraser was preoccupied at the time with the work of the Indian Village Education Commission. Besides, it is on record, and "A Sinhalese Christian" too had confirmed it in his letter, that Fraser was suffering from an attack of dysentery in February that year. By April he was known to be recuperating at Kodaikanal in India and drafting the Commissioners' Report at that place.

In any case Fraser was not the type of man who, when he considered himself as being in the right, would stand up and answer a challenge to suit the caprice of an opponent. In certain situations he could be a very obstinate person. He had some of the defects of the imperious school teacher, and occasio-

nally accustomed as he was to the society of children, he behaved, as we shall see, like an overgrown schoolboy himself. This cussedness on his part might have urged him not to yield to any pressure from a detractor, even when aware he could absolve himself from blame. Another probable and more likely reason could have been Fraser's reluctance to publish his own "mighty" doings as recorded in the pamphlet, these being too personal for a public audience.

The indifference has cost Fraser dearly. For he has allowed a completely unjustified campaign against him to gather momentum, and we believe as a result he eventually forfeited a good chance of being the Anglican Bishop of Colombo; not that achieving this prize was as far as we know his ambition, although it would have been a most gratifying reward to crown his services to this country.

It would be observed that even the Editor of the *Ceylon Daily News*, in his editorial note, had drawn a distinction between Fraser and others in "high places" and in an "exalted quarter". At this time the country was agitated over the news that leaked out from the publication in September 1919⁶² of the European memorial to the Secretary of State, that the then Bishop of Colombo, E. A. Copleston⁶³ had lent his signature to it and thus compromised himself as one supporting the excesses committed during the Riots by a set of trigger-happy adventurers⁶⁴ named Sly, Sudlow, Baines and Bailey whose conduct was earlier denounced by the former Governor, Sir John Anderson. The *Ceylon Daily News*, which was friendly to Fraser, was apparently groom-

62. *The Ceylon Daily News* scored a scoop by publishing the full text of the memorial and some connected correspondence in its issue of 16 September 1919. This memorial of "the European residents in Ceylon" was signed by V. A. Julius, Chairman of the organising committee, and partner in the firm of Solicitors, Julius & Creasy, the other chief partner of which, it is interesting to note, was Harry Creasy (1852-1922) a strong supporter of the Sinhalese cause. Among the 1531 signatures to this memorial were (according to Dr. P. V. J. Jayasekera of the Vidyodaya University of Ceylon, Gangodawila) some other Christian clergymen besides the Bishop of Colombo, who was singled out for strong attack by Ceylonese nationalist Christians such as C. E. Corea, see *Ceylon Daily News* 24 September 1919. The memorial (which the writer has not seen) was an enclosure in Governor Anderson's despatch to Long, Confidential, 21 December 1917, C.O. 54/805, referred to by P. T. M. Fernando, *Modern Asian Studies* Vol. III: 3 (1969), p. 254 *fn.54*; the memorial and connected correspondence is reprinted in Armand de Souza, *op. cit.*, Appendix A pp. 1-30.
63. Rt. Rev. Ernest Arthur Copleston, Bishop of Colombo 1903-1924; served in Ceylon from 1880; was Incumbent of Holy Emmanuel Church, Moratuwa and St. Paul's Church Kandy; retired 1924; died 24 August 1933. See *fn. 62 supra*.
64. See *Sessional paper VI* of 1917. See also P. T. M. Fernando's extensive studies on the Riots in the *Journal of Asian Studies* (U.S.A.) Vol. XXIX No. 2, February 1970, pp. 255-266, and *Modern Asian Studies* (U.K.) Vol. III: 3 (1969) pp. 245-255. A more detailed and lengthy version of the latter is found in *Ceylon Studies Seminar 1969/70 Series, A Symposium of 1915 Communal Riots*, University of Ceylon, Peradeniya, June 1970, where also appear Dr. M. W. Roberts, *Directions and Patterns in the 1915 Communal Riots*, Dr. Kumari Jayawardena, *Economic and Political Factors in the 1915 Riots*, Dr. Charles S. Blackton, *The Action Phase of the 1915 Riots* and Dr. Robert N. Kearney's Introduction to the Symposium on the Riots, published originally in *Journal of Asian Studies* cited above pp. 219-266.

ing him to take the place of the discredited Copleston. But, for some reason or other, Fraser did not respond to this appeal or try to vindicate himself. He simply ignored the appeal. Perhaps he told himself that he would treat unworthy accusations with the contempt they deserved. In the present case Fraser's contemptuous silence was misunderstood, for it was construed by some as an admission of guilt.

When Fraser returned to his substantive post, at Trinity College in February 1921, there is no doubt that he became aware of the whispering campaign that had turned rumour and suspicion into belief among several people in this country. Fraser had already convinced his own "old boys" that he was not to be blamed, when he met them in June 1920⁶⁵ at a reception they had accorded him shortly before his departure for England. Fraser's friends however could not endure the alarming vendetta waged against him any longer and in October 1921 prevailed upon him to reply to his critics.

Fraser delivered a Public Lecture⁶⁶ on 20 October 1921 under the auspices of the Literary Branch of the Kandy Y.M.B.A. on "Political Movements in Different Lands" at the Association Hall presided over by Albert Godamunne,⁶⁷ a prominent citizen of Kandy and an "old boy" of Trinity College. It was on this occasion, in the concluding portion of his lecture, that Fraser as anticipated replied to his critics.

The *Ceylon Daily News* of 24 October 1921 carried the following account in its first page under the headline *Fraser and the Riots, a Statement Repudiated*:

In the course of a lecture on the "Political Movements in Other Lands" at the Sinhalese Young Men's Association Hall on Thursday last, Mr. A. Godamunne presiding, the Rev. A. G. Fraser referred to the imputation of Mr. E. W. Perera that he had written a pamphlet denouncing the conduct of the Sinhalese during the riots of 1915. Mr. Fraser said, 'I have been very long away from Ceylon, where I stayed only two weeks after I returned from China and then went to India. When I was in India I got some newspapers which were about two months old by the time I got them, saying that I had written a pamphlet, which I had sent to the House of Commons and which contained an attack on the Sinhalese. Mr. E. W. Perera accused me of it and I am told that because I did not answer I was condemned. That isn't fair by me. I did not answer for three reasons. Firstly because I have never yet answered a personal attack in the Press. I have answered an attack on the College, but it is not a personal attack. Secondly when I was in India I was very busy and I did not see the copy of the paper from here till it was two months old. Thirdly I do not admit the right of any person to challenge me to answer the attack in the Press especially when he has had the impertinence to say that he was not certain of his facts. Now, the only pamphlet I ever wrote—Mr. Godamunne has seen it—was not sent to the House of Commons but to the supporters of the School and it did not contain any attack on the Sinhalese. I only referred to the Riots in regard to what the Boys of Trinity had done during that period.'

65. See *fn. 72 infra*.

66. A Notice of this meeting is in *PPERI*. E. W. Perera's brother, Arthur Augustus Perera of Kandy (1880-1966) sent him a letter dated 20 October 1921 giving an account of Fraser's lecture reported by V. M. Saravanamuttu, Proctor of Kandy, *PPERI*.

67. Albert Godamunne (1893-1967) Proctor S.C. active member of the Kandyan National Assembly, a political organisation which agitated for a Federal System of Government for Ceylon divided into three States composed separately of the Tamil provinces, Kandyan Sinhalese Provinces, and the Low Country Sinhalese Provinces.

Perera was stung to the quick by Fraser's charge of "impertinence." Perera had been generally polite in his comments, but here and there he did inflict some deep wounds. Fraser would not have minded being called a "great Imperialist", but he knew what Perera meant by the term was entirely different, indeed contradictory, to Fraser's own concept. Besides, Perera had put Fraser in the same pack as "his episcopal chief who had condoned the shootings and applauded the officials", an insinuation from which the *Ceylon Daily News* had independently taken great pains to disassociate itself.

The debate began in earnest. Perera was at his best when he was crossed. The *Ceylon Daily News* held the scales evenly—or almost so, for, it would seem, a little weight was thrown in on the side of Perera who was a close friend of its proprietor, D. R. Wijewardene.⁶⁸

Perera's prompt reply to Fraser appeared in the *Ceylon Daily News* on the following day, 25 October 1921 on its first page. He quoted in full the text of his charge against Fraser as found in the *Ceylon Daily News* of 6 December 1919, which we have reproduced earlier^{68a} in this article. He had something to say about Fraser's peculiar excuses for not replying earlier. That was by way of argument. At the end he came to what he called the "crux of the matter" by inviting Fraser for "the third time of asking" to "forward the pamphlet to the Press when as I originally stated it will remove all misapprehensions".

Smarting at the whiplash administered for his "impertinence", Perera could not resist having a dig himself at "clergymen in a temper and attorneys with a bad case who had the privilege of abusing the other side". So far so good. But we are afraid Perera did not put all the cards on the table in his confrontation with Fraser. Despite his apparent concern for the case to be stated fully, fairly and dispassionately, Perera appears to have omitted to place before his readers some vital part of the proceedings in Parliament which had appeared in his series of articles in 1919 and which in the present instance would have, to say the least, mitigated the alleged transgression of Fraser if it did not exculpate him completely.

The omissions were the exchanges between King and Steel-Maitland immediately after the name Fraser was cryptically brandished in self-defence by Steel-Maitland. It is worth repeating these exchanges:

MR. KING: Has the Hon. Member seen the report of Mr. Fraser in which he definitely says that there is no conspiracy and will he quote it?

SIR ARTHUR STEEL-MAITLAND: I am afraid I cannot quote it because I have not got it here.

MR. KING: I have.

68. Don Richard Wijewardene (1886-1950), "the greatest newspaper man in the history of Ceylon journalism" See H. A. J. Hulugalle, *The Life and Times of D. R. Wijewardene*, Colombo 1960.

68a. p. 162.

Perera it will be seen, had showed himself as a clever advocate who would consider a little suppression of the truth and a little suggestion of the false as points gained in debate. The burden of the discussion that day at the House of Commons, between Steel-Maitland on one side and Morrell and King on the other, was whether there was a conspiracy. It will be profitable to read a full account of this debate in *Hansard* rather than depend upon extracts sometimes torn out of context. Steel-Maitland was hedging and shifting. In his despair he summoned Fraser to his rescue as one who would bear him out. But to no avail. For King had Fraser's Report with him and there Fraser, according to King, had "definitely" stated that there was "no conspiracy".

Some of us are not aware of the assistance given to our representatives in England by the Christian Missionary Societies there. The Anti-Slavery and Aborigines Protection Society of London was the most active amongst them. Perera and Jayatilaka had testified to it. It is a curious fact that in this grave national crisis we had to be foster-mothered by an institution that rejoiced in the name of *Aborigines Protection Society*. This circumstance was the butt-end of the jokes of some who could not see any good coming from Nazareth.

The following copy of a letter⁶⁹ addressed by Travers Buxton,⁷⁰ the Secretary of the Anti-Slavery and Aborigines Protection Society, to E. W. Perera is of interest:

THE ANTI-SLAVERY AND ABORIGINES PROTECTION SOCIETY

Denison House
296, Vauxhall Bridge Road,
London, S.W. 1.
30th August, 1917.

Dear Mr. Perera,

I received an answer from Mr. King today to my questions about Mr. Fraser's Report, to which he referred in the House of Commons debate. He sends me the report of Trinity College, Kandy, for 1915, which has a section on the riots. This is interesting reading, and you will like to see it. Mr. King wants the Report back, but he is quite willing that you should read it. Will you call here tomorrow, if convenient, or a later date, and have a look at it? This would be better than sending it to you, as it is specially marked "for private circulation only". Mr. King says he has had two talks with Sir Arthur Steel-Maitland since the debate on the subject, and he would like to speak to me some time on his impression of the position.

I got hold of the *Manchester Guardian* of Tuesday yesterday, and was very glad to see the Leader in which the Editor backed up your letter.

Yours very truly,
Travers Buxton.

E. W. Perera, Esq.,
126, Tollington Park,
N. 4.

69. Original in *PPERI*.

70. Travers Buxton M. A. Oxon, born 1864; Barrister-at-Law, Lincoln's Inn 1893.

In response to Travers Buxton's letter Perera had evidently gone to him and seen the "Report" referred to. According to Perera he had the pamphlet in his hand only 'for a few moments'. This was in August (or September) 1917. But his charges against Fraser were made some two years later. The incident that called for these charges had not seemed important enough, and were not referred to by Perera during the intervening period, even when he delivered his lecture in June 1919. But now in his fuller narrative delivered in pungent prose he fires his broadsides, drawing freely from his imagination where the memory of what he had seen for only a few moments had eluded him.

Having made grave charges on an admittedly doubtful recollection of the contents of this pamphlet, Perera when confronted chose the seemingly fair and straightforward course by appealing to Fraser to publish the pamphlet, which he knew was issued '*for private circulation only*'. Would Fraser walk into the trap, for trap it undoubtedly was? For argument's sake let us suppose that somebody had written a very personal and confidential communication to an intimate friend. Must this letter be published, and the purpose of privacy defeated, to disprove an allegation that it contained a libel? That, in short, was the problem posed.

The Editor of the *Ceylon Daily News*, like most detached people wishing to see such disputes the sooner mended or ended would say (as indeed he said) "publish and be damned", for this was what the editorial note of the same date suggested (but in more polite language):

Mr. E. W. Perera who apparently does not share the Rev. A. G. Fraser's aversion to answering charges made in the public press makes his rejoinder in our columns today to Mr. Fraser's explanations offered before the Kandy Sinhalese Young Men's Association. We are sure that Mr. Fraser will not conceive Mr. Perera's letter as a personal attack. The prominence given to this controversy is inevitable in view of the position Mr. Fraser occupies in Ceylon. That position involves certain responsibilities. For this reason we hope that Mr. Fraser who has gone so far towards meeting apprehensions entertained by the public with regard to the riots will set them completely at rest. This he can do as Mr. Perera suggests by forwarding the impeached pamphlet to the Press and by letting the public judge between him and Mr. Perera.

This was quite a "reasonable" request. Let us see how Fraser reacted. But first let us analyse the position a little more fully. From the reading of the *Hansard* of the British House of Commons, it was quite clear that Steel-Maitland had not been able categorically to state that there was a conspiracy. The furthest he would go was to declare that the Riots "*really spread because it was largely a matter of design*". Out of this mole-hill Perera had made a mountain. He wrote "*According to the Colonial Under-Secretary, [Fraser] testified to the disloyal nature and the organised character of the riots like his episcopal chief who had condoned the shootings and applauded the officials*" (emphasis added).

Fraser in his reply which appeared in the *Ceylon Daily News* of 27 October 1921, was obliged to call this insinuation a "terminological inexactitude".

Fraser pleaded in defence:

I did not say that the rioters were disloyal or anti-Government, for I did not believe that they were (except for a very few), though they were I believe organised. I protested to the Government against the charge of High Treason, and I believe the protest had effect. Sir Arthur Steel-Maitland was quite clear that I was not a supporter of the view that the riots were of German or anti-English origin.

Perera had also declared, "I had received information from Ceylon, which at that time I did not believe, that the Rev. A. G. Fraser had come up to London on the suggestion of the local Government officials as a witness of their view and an apologist for them at Downing Street". This evidently refers to the letter dated 1 December 1916 that Perera had received from James William de Silva. We have dealt with this earlier. Fraser did have a few of what we might term "enemies" in Ceylon. He had rubbed some on the wrong side by his independent and somewhat wilful ways. It is enough that Perera had admitted that at that time he did not believe the information he had received. Fraser had "friends" too in Ceylon. We know for certain from the Rev. Simon de Silva's diaries that even after a lapse of a year after the riots, F. R. Senanayake had gone to Fraser for "help", only a short while before Fraser left Ceylon for England. This is how Fraser replied to Perera:

Then, I did not go to England as a witness on the riots, but on questions connected with the War, and the conversation on the riots was only incidental. They did not bulk largely in England during the War, nor in our talk.

The original bone of contention—the remarks of Steel-Maitland in the debate on the Colonial Office Estimates in August 1917—gradually slipped from the teeth of the contenders. In its place entered the myth of a secret pamphlet that was alleged to have slandered a nation. Answering the demand of Perera for its publication forthwith, Fraser in a letter that appeared on 27 October 1921 revealed that he did not circulate a pamphlet to Members of the House of Commons. "In no case", said Fraser, "could I have felt it right to issue pamphlets to the Members of the House of Commons to attack a people. That would be unpardonable and the statement that I did so is a lie". Fraser did not mince his words here. This was in reply to Perera's accusation on 6 December 1919 that "*Rev. A. G. Fraser had circulated a pamphlet marked 'private' to Members of the House of Commons ostensibly giving an account of Trinity College*".

Fraser described the pamphlet as follows:

It is a Report of 106 pages of which only twelve in all refer to the Riots, almost all twelve of which have already appeared in Ceylon in the pages of the College Magazine.^{70a} The pamphlet is concerned with all the actions of the College Year, with the class work, athletics, the Social Service, with letters from the boys at the Front, the Prize Giving Reports and Speeches, the Old Boys' Dinner etc., etc. There is no reference to "Highland Chiefs" great or small except to the brave act of one. This Annual Report in pamphlet form was sent round, as it is every year by the Committee, to the Subscribers to the College Fund, of whom four only are, I believe, Members of the House of Commons, and he quoted me as saying the Riots were not anti-British,

70a. See fn. 83 *infra*.

Fraser confirmed:

I sent home material for a College Report containing a mass of papers, not more than a quarter of it in my own handwriting, and that material was submitted to others in the staff, and all the material was sifted and put together and published in pamphlet form in England by the Secretary of the College Committee. To publish the whole of that again is impossible. It was as I said an Annual Report published as usual for private circulation only, and sent only to friends of the College, and it contained the letters and reports of many written only to a limited circle. But I can quote in full all I say, or that contained, in the pamphlet *as to the origin of the Riots and leave you Sir, to say whether I have put the position of the Riots fairly or not.* (emphasis added)

Fraser followed this up with an extract from the Report directly answering the specific charge of Perera that the Report was “*ostensibly giving an account of the development of Trinity College, but suggesting a novel and original theory of the Riots*”. What was said in the pamphlet in this connection is given below, Fraser releasing it under the eye of the Editor of the *Ceylon Daily News* who was given a copy of the pamphlet:

“*The Riots*”: And now having more or less polished off our bit for the War in England, I must come to the Riots. I do not believe these would have taken place if there had been any effort made to enlist the interest and sympathy of the people in the War. But they were unrestful as men are everywhere during this War. Nothing was done to turn their restlessness into wise channels. And so it was fixed on their own racial quarrels... The causes for the Riots rising were two: I. Religion. II. Economics. The Mohammedans called Moors in Ceylon but with no racial connections with the Moors in Africa are to Ceylon, what the Jews are to Russia. These useful, but hated alien traders, protested against a Buddhist religious procession passing their Mosque at a country town, Gampola, twelve miles from Kandy. Now a procession means more to modern Buddhism than any other religion. They have no sacraments and no corporate worship, nor have they much mysticism. The procession provides them with their one opportunity of a corporate religious act, and of rousing a mystic enthusiasm by pointing back to an idealised national past. When, then, the Moors objected to the Gampola procession, and were upheld in their right to object by both police and law courts, a very serious blow was dealt to Buddhist sensibilities and this by the “Jews” of Ceylon. The Moors boasted they would interfere with the great Kandy Perahera—the greatest annual procession in Ceylon, held each August, and they did try to prevent the erection of a dansala or booth where food is distributed free to all comers on Buddha’s birthday, May 28th in Kandy. Their objections to the dansala were overruled by the Municipal Council, but the ill-feelings raised by them were not allayed. A dansala is a great opportunity of winning merit, and interests ardent Buddhists in *all* the country *over*. It gives fuller life to those who subscribe for the food, and fuller life now to the pilgrims who eat it. Everyone is interested in a dansala.

The economic hatred against the Moors is due partly to the jealousy of bad traders for good ones. They do shady things sometimes, very often in the villages and their morals are not high, yet they win, by patient attention to details and a study of their customary needs.

[Poor Fraser got into trouble over some of these remarks. It was now the turn of the “Moorish Community in Ceylon” to feel insulted. S. I. Sheikh Abdul Cader lost no time in protesting in the *Ceylon Daily News* of 1 November 1921. He demanded from Fraser a public withdrawal of those “scathing remarks against the peaceable Muslim sons of Mother Lanka”. Fraser kept quiet.]

In his letter published in the *Ceylon Daily News* of 27 October Fraser made it clear that the above extract was all that was written on the causes of the Riots, “except for a cartoon for which I am not responsible, and which was never considered mine, nor referred to in any way”.

Fraser continued:

Now let me add this. During the Riots we at Trinity did our best to save the lives and property of Moormen. After the Riots we did our best to save those of the Sinhalese. In both cases we largely succeeded. And in Trinity we were certainly successful in getting the leaders of both communities to co-operate with us and with each other in goodwill, and were able to win their friendship and trust. We made mistakes, of course, and apparently enemies, but as a whole our Old Boys and Masters have little reason to be anything but proud of the services they rendered to both communities.

The Editor of the *Ceylon Daily News* subscribed a footnote to Fraser's letter as follows, "Mr. Fraser has left with us the booklet from which he has made his quotations. We shall be glad to show it to Mr. Perera if he wishes to see it—Ed. C.D.N."

As a matter of fact we now have evidence that the pamphlet has been seen by several persons. We are not quite sure whether Steel-Maitland was given a copy after Fraser's conversation with him, although Steel-Maitland had vaguely given a hint of his awareness of the pamphlet in his reply to King. King, who was one of the four Members of the House of Commons who were also subscribers to the College Fund, had of course received a copy. Travers Buxton was one of the first to call for a copy after the incident in Parliament. Albert Godamunne, who presided at the Y.M.B.A. Meeting, was also shown a copy. E. R. de Silva,⁷¹ a former Principal of Richmond College had also seen the Report. When Fraser addressed the Trinity College Old Boys in June 1920, when the air was thick with Fraser's alleged disservice to the country, Rev. G. S. Amarasekera,⁷² Vicar of Holy Trinity Church, Kandy, had received a copy. Amarasekera had then written to Perera as follows:

Stanley House
Kandy.
June 28, 1920.

My dear Mr. Perera,

Just a couple of days before 'Fraser of Trinity' left for England i.e. on the 16th inst, I think, it was that Trinity College Old Boys Assn., was at Home, in the College Hall to meet Mr. Fraser. The President welcomed him in a few words. Then Fraser in his reply made some reference to the recent attacks on him in the Press regarding him and the riots and said that he published his usual annual report, for the benefit of his supporters in England some of whom happened to be M.P.'s. In it he said that the riots in 1915 were due to two causes:—

71. Egodage Richard de Silva (1901-1971), "He was a great Teacher, a great Man, a great Christian," Rev. W. J. T. Small *The Ceylon Methodist Church Record*, January/February 1971, p. 18; teacher at Trinity College Kandy, during the Fraser period, and at Richmond College Galle where he finally became Principal; he retired in 1957. He wrote an article entitled "Fraser of Trinity" in the *Ceylon Observer* 9 March 1962; "Unfortunately", he wrote "Mr. Fraser was unwilling to do so [i.e. publish in full his report of the Riots] merely because of a reference to himself made therein. Those of us who read the pamphlet were sure that the lines referred to did not carry the interpretation suggested to Mr. Perera in England". His article also refers to a visit made by him, A. M. K. Cumaraswamy and James David to E. W. Perera at the residence of his brother, Arthur Perera, in this connection.
72. Rev. Gregory Suriarachchi Amarasekera (1858-1929). See *fn.* 82 *infra*.

Religion and Economics. These you know already. Gampola Perahera and Hambaya's,^{72a} and added that he was blamed by some for blaming the Mohammedans. This evening I got hold of a copy of the "Report" he referred to. It is entitled "The Story of another year's work, 1915. Trinity College, Kandy Ceylon". This is an illustrated pamphlet, which booms the College. I wonder whether this is the identical document you saw when in England.

I thought I would give you this information for what it is worth.

With kindest regards to you and kind remembrance from Mrs. A. and myself to your dear mother, Grand Mama and all at the Walauwa.

Believe me,

Yours very sincerely,
[Sgd.] G. S. Amarasekera.

P.S. The a/c of the riots given in the Report does not blame the Sinhalese. The two points above referred to are given as the causes and gives details of what mighty things he and his college did during the riots. [emphasis added].

[Sgd.] G. S. A.

Now the Editor of the *Ceylon Daily News* S. J. K. Crowther⁷³ was given a copy. This we understand was also shown to J. L. C. Rodrigo,⁷⁴ an old Trinidadian, who was then the Editor of the *Ceylon Morning Leader*. Fraser had granted permission to Crowther to show the pamphlet to Perera, but on condition that he did not quote from it or use any material which Fraser had not already published in the Press. There is no evidence to show that Fraser had mentioned Ramanathan⁷⁵ and D. B. Jayatilaka by name as two others to whom the pamphlet may be shown under the same conditions, although

72a. The word *Hambaya* derived from *sampan-karaya* had no sinister connotation. But the member representing the "Mohammadans" in the Legislative Council, N. D. H. M. Abdul Cader (1879-1938) took heated exception to its use by Ramanathan in the Legislative Council on 24 October 1917; see *Hansard: Debates in the Legislative Council of Ceylon, Session 1917*, Colombo 1918 p. 388.

73. Samuel John Kirupairatnam Crowther, born 8 February 1888; B.A. (St. Edmund Hall, Oxford) 1907-1910, Curate, St. Paul's Church, Colombo; Editor, *Ceylon Daily News* 1918-1931; joined *Times of Ceylon* 1933, retired 1946.

74. Joseph Lionel Christie Rodrigo, born 31 July 1895; Government Scholar from Trinity College, Kandy, M.A. (Balliol College, Oxford); Editor, *Ceylon Morning Leader* 1921 to 1926; Professor Emeritus of Western Classics University of Ceylon, Peradeniya; married Evelyn, daughter of Dr. Solomon Fernando; See *fn.* 114 *infra*.

75. Sir Ponnambalam Ramanathan (1851-1931), Nominated Member representing the Tamil-speaking people, Legislative Council, 1879-1892, Solicitor-General 1892-1906, Elected Member representing the Educated Ceylonese, Legislative Council, 1911-21; His advocacy of the Sinhalese cause in the Legislative Council in August, September and October 1915 was such that "no Ceylonese ever reached that summit of fame before or since"; *Tribune* 25 September 1967; see also *Ceylon Daily Mirror* 26 November 1971, and M. Vytilingam *The Life of Sir Ponnambalam Ramanathan*, Vol. 1, Colombo 1971.

many years afterwards in 1953,⁷⁶ J. A. Will Perera⁷⁷ alleged that it was. As far as Ramanathan is concerned, he mentions Fraser in some places in his book, *Riots and Martial Law in Ceylon*,⁷⁸ but there is not even a hint of censure of any of Fraser's actions. D. B. Jayatilaka had never referred to Fraser in respect of these incidents except for writing to Fraser soon after the debate on the Colonial Office Estimates in 1917.

The confrontation in the Press between Fraser and Perera was now reaching its climax. Fraser had explained his conduct at the Kandy Y.M.B.A. Meeting. Perera challenged him in the Press. Fraser replied and had placed his pamphlet in the hands of the umpire, the Editor of the *Ceylon Daily News*. Now Perera who had never to his dying day been silenced by defeat,^{78a} returned to the charge arguing still. The pages of the *Ceylon Daily News* were splashed on 31 October with Perera's letter on the front page and an editorial note within.

The following is the full text of Perera's letter to the Editor of the *Ceylon Daily News*:

Dear Sir—Mr. Fraser in his rambling reply of October 27, has missed the real issues. He originally complained at the Kandy Y.M.B.A. that I had stated that Mr. Fraser "had written a pamphlet which he had sent to the House of Commons and which contained an attack on the Sinhalese". "Now the only pamphlet I ever wrote," "continues Mr. Fraser—"Mr. Godamunne has seen it—was not sent to the House of Commons but to the supporters of the School, and it did not contain any attack on the Sinhalese".

76. In J. A. Will Perera, *E. W. Perera, Patriot and Scholar*, Colombo 1953, p. 7.
77. J. A. Will Perera Journalist; author of *E. W. Perera: Patriot and Scholar*, Colombo 1953; "The late Mr. E. W. Perera's father was my father's cousin. His mother was my father's younger sister", *op.cit.*, p. 1; studied at Trinity College, Kandy 1911-17; Will Perera was a severe critic of Fraser. On 7 January 1950 shortly after Fraser arrived on his last visit to Ceylon, Will Perera published, *Fraser of Trinity* in the *Searchlight* Colombo, where he said "he [Fraser] was above all human and humane", but in 1953 soon after the death of E. W. Perera he recalled in his book the old controversy between E. W. Perera and Fraser in a scathing attack on Fraser. He returned to this attack on Fraser's death in 1962 in an article in the *Ceylon Observer* 11 February 1962. This brought a rejoinder from Will Perera's college mate S. E. N. Nicholas in the *Ceylon Observer* 5 April 1962. The Old Boys of Trinity (S. J. C. Schokman, Dr. Lloyd Abeyratne, C. E. Simithraarachchi, S. B. Yatawara, M. Rajanayagam, J. L. C. Rodrigo and D. B. Ellepola) jointly defended Fraser in the *Ceylon Observer* 25 February 1962; see also Adonis [J. L. C. Rodrigo] Fraser of Trinity, *Ceylon Daily News* 21 November 1949; S. E. N. Nicholas He Bequeathed Character, *Times of Ceylon Sunday Illustrated* 27 November 1949; S. J. C. Schokman The Rev. A. G. Fraser, *Times of Ceylon* 2 February 1962; C. Selvaratnam on Fraser, *Ceylon Observer* 19 February 1962; T. R. J. [ansen] The Rev. A. G. Fraser, *Times of Ceylon* 22 February 1962; E. R. de Silva Fraser of Trinity *Ceylon Observer* 9 March 1962; Victor C. Perera Fraser of Trinity, *Ceylon Observer* 10 March 1962 and J. A. Will Perera's reply to his critics *Ceylon Observer* 25 February 1962. On reading these one would find J. A. Will Perera more often wrong than right.
78. P. Ramanathan, *Riots and Martial Law in Ceylon, 1915*, Colombo 1916, pp. 14, 258 and 259; A statement by D. B. Seneviratne, a master of Trinity College, Kandy, appears in this book, pp. 256 to 259.
- 78a. He was irrepressible although he once remarked (jocularly?) "the politically dead do not speak".

To dispose of a preliminary point at once, Mr. Fraser says in his reply that he did not send the pamphlet to members of the House of Commons but to supporters of Trinity College of whom "probably about four were members of the House". I can only say that it is a strange coincidence that a pamphlet intended for the information of the supporters of Trinity College should find its way into the hands of Members of Parliament who took a warm interest on behalf of the Sinhalese on the eve of the Colonial Office Debate.

I replied on October 25, noting exactly what I did say. In short I stated, "Mr. A. G. Fraser, the Ceylon Missionary, had, according to the Colonial Under Secretary, testified to the disloyal nature and the organized character of the riots". I reproduced from the Official Record what Mr. Morrell, M.P. had urged on behalf of the Sinhalese, and the rejoinder by Sir A. Steel-Maitland, Under-Secretary of State for the Colonies, supporting the official case of conspiracy and disloyalty which the Sinhalese always denounced as a gross libel, backing his statement with the authority of Mr. Fraser in the words "that was the opinion of a perfectly unbiassed man like Mr. Fraser." To give Mr. Fraser an opportunity to explain before we took action Mr. D. B. Jayatilaka communicated with Mr. Fraser, who was then in England. This is the correspondence I referred to, as anyone reading who was not in a temper or in a hurry would have understood. I never knew that Mr. Fraser had any correspondence with the Under-Secretary of State for the Colonies until his letter. Mr. Fraser says that he is quite entitled to have his views on the subject and to express them. Nobody denies this. But he must not deny the same liberty to other people if they consider his action and statement such as these to Sir A. Steel-Maitland as "an attack on the Sinhalese" and not an exuberant expression of friendliness.

In regard to the pamphlet, I stated in my last communication that "Mr. Fraser finally does admit that he had written a pamphlet, but denies that it did contain any attack on the Sinhalese or that it was sent to the House of Commons". I made an appeal to him for the third time to issue that pamphlet to the Press. I shall deal with this point later.

On October 27 Mr. Fraser contributed nearly two columns in reply. To take the material points. He admits "I did not say the rioters were *disloyal or anti-Government* for I did not believe they were *except for a very few, though they were, I believe, organised*". (The italics are mine).

The Sinhalese case all along was that in no instance were the rioters "disloyal or anti-Government" and that "they were" not "organised". That they were so was the contention of Sir A. Steel-Maitland as "that was the opinion of a perfectly unbiassed man like Mr. Fraser".

In addition to the "pamphlet" Mr. Fraser speaks of "one other letter to Old Boys in the Forces", presumably also marked "private" and printed, which if published now may throw light on this controversy.

Finally to come to the pamphlet which I have repeatedly asked Mr. Fraser to communicate to the Press: the passage quoted by Mr. Fraser does not exhaust his reference to the riots and the rioters. The rest will not take more than a column of the "Daily News", and I feel sure that the Editor will extend his courtesy to publish them. I am unable to supplement Mr. Fraser's quotations for the simple reason that he has laid a strict embargo upon my use of the pamphlet which he had placed in the hands of the Editor.

I would therefore request Mr. Fraser to quote for the benefit of the public of Ceylon the rest of his account of the riots including the last three lines on page 20, the first four lines on page 21, and the last four lines on page 21. Then the public will be able to judge who is really trafficking in "terminological inexactitudes"—not to employ a term used by Mr. Fraser, which I was taught when a boy was never used by well-bred people.

Yours faithfully,
EDWARD W. PERERA

Kotte, October 29.

The editorial note was as follows:

Mr. E. W. Perera today makes his answer to the Rev. A. G. Fraser's letter of the 27th instant. Mr. Fraser in his letter, meeting the charges brought against him by Mr. Perera, characterised Mr. Perera's statements as a lie. Mr. Fraser also left with us his impeached pamphlet for Mr. Perera's inspection on condition that Mr. Perera was not to make any quotations from it. We are constrained to make some observations on the pamphlet because Mr. Fraser in his letter appealed to us to state whether he had put the position of the pamphlet fairly or not. On the 27th instant when Mr. Fraser brought the pamphlet to this office, he very kindly went over the entire publication with us. On that occasion in the course of a hurried inspection we pointed out to him certain pages of Mr. Fraser's contribution, bearing on the riots which Mr. Fraser had not included in his quotation. Mr. Fraser replied that the pages indicated were not essential. We had not the time then to read those portions carefully. We have however done so now and we feel that in order to place the matter fairly before the public and in justice to Mr. Perera's contention, they ought to be published. At present Mr. Fraser does not want any quotations to be made either by Mr. Perera or by us from outside the passages quoted by him. But we hope that in the interests of truth he will permit their publication for which we shall be glad to place our columns at his disposal.

It will be seen that the umpire has had second thoughts on the subject. He did point out at the outset when Fraser "very kindly went over the *entire* publication" with him, that there were certain pages bearing on the Riots which had not been included in Fraser's published quotations. This does not surprise us, for Fraser was confining himself only to rebutting a charge of having a "novel and original theory" on the causes of the Riots, by reproducing his remarks relating to the causes. However the Editor had since his meeting with Fraser pleaded that he had had only a "hurried inspection" and had not "the time then to read those portions carefully". Very compelling reasons for a shift of position. Had there been immediate publication of the pamphlet as earnestly pleaded for by the Editor, it would have decided the issue once and for all (in Fraser's favour as we shall discover). But Fraser as might have been anticipated would not budge. The debate now ended.

What was the Parthian shot of Perera? Any disinterested man reading Perera's letter after informing himself in full of all the circumstances of the case would be compelled to come to only one conclusion. Far from Fraser's last letter of 27 October being as alleged by Perera rambling, it was Perera's final reply that was rambling and perplexing.

In the debate at the House of Commons on the Colonial Office Estimates in 1917, the main issue that was raised, as we have emphasised over and over again, was whether there was a conspiracy or not. Morell and King argued that there was no conspiracy. Much as Steel-Maitland would have wished to state that there was a conspiracy, he equivocated and finally in the vaguest of terms declared that "it was largely a matter of design". Fraser's name was added almost as an afterthought at the end, as one who would bear him out, but King had immediately protested that as far as conspiracy was concerned Fraser had definitely stated that there was no conspiracy. Perera however continued to take it for granted that every word of Steel-Maitland's speech in this connection had been underlined with the blue-pencil of Fraser's authority.

Perera also drew a red herring across the trail by assuming that the "one other letter to Old Boys in the Forces" which Fraser had indicated having written might also provide another controversy of a like nature. The object of Perera was to demand publication of private communications of Fraser bearing on the Riots on the ground that Perera was alleging rightly or wrongly that these had been prejudicial to the national cause. This was most unfair.

Having seen the pamphlet again at the *Ceylon Daily News* office, and having agreed not to quote without Fraser's permission, Perera had challenged Fraser in his concluding remarks to justify his position in the following crucial words which we shall repeat: "I would therefore request Mr. Fraser to quote for the benefit of the public of Ceylon the rest of his account of the Riots" including

- (a) the last three lines on page 20
- (b) the first four lines on page 21
- (c) the last four lines on page 21,

"when the public will be able", Perera challenged, "to judge who is really trafficking in 'terminological inexactitudes'". There was no response from Fraser. The debate having thus ended, Fraser withdrew into his shell of silence never to raise this subject again.

In Ceylon, we now know, Albert Godamunne, the Rev. G. S. Amarasekera, J. L. C. Rodrigo, E. R. de Silva, Victor C. Perera⁷⁹ and S. J. K. Crowther have read the pamphlet. The first five had not seen anything in it prejudicial to the Sinhalese. Albert Godamunne, a militant Kandyan Buddhist nationalist, for one, would have been the first to denounce it if it had been otherwise. S. J. K. Crowther, the Editor of the *Ceylon Daily News*, was very anxious that the pamphlet should be published, but regarding its merits or demerits he kept his own counsel. No wonder, every student of those times is eager to get hold of this mysterious and elusive pamphlet that was supposed to have contained an attack on the Sinhalese people by Fraser. This allegation had distorted Fraser's image in several quarters and had indeed, in our opinion spelt doom to his further career in Ceylon. A study of the actual facts thus becomes necessary to establish truth in place of rumour and conjecture.

We are told that the pamphlet is not available at the Trinity College archives, nor in those of the Church Missionary Society in London, although there is in the latter place a copy of a letter⁸⁰ from Fraser enclosing papers probably connected with this Report, and requesting the Committee to make a selection from those papers for publication. We have no doubt that the

79. Victor C. Perera, Proctor S.C.; "ardent and very loyal Trinitian", says Professor J. L. C. Rodrigo. See *fn.* 77 *supra*.

80. Dr. P. V. J. Jayasekera of the Vidyodaya University of Ceylon, Gangodawila drew our attention to this correspondence. In his unpublished Ph.D. thesis entitled *Social and Political Change in Ceylon 1900-1919*, University of London, 1969, Dr. Jayasekera writes on the Riots (which he calls "disturbances") in Chapters 3, 4 and 5.

pamphlet will one day turn up. In the meantime the writer had come across among the *E. W. Perera Papers* in his possession some MSS entitled in Perera's own handwriting "Extracts from Rev. Fraser's pamphlet circulated in England marked 'confidential' concerning the Riots and the part he took in quelling them". We have good reason to believe that these *Extracts* which we publish as an Appendix⁸¹ to this article is an authentic copy and until the real pamphlet is forthcoming, this could shed some light on the controversy.

These apparently cover pages 12 to 22 of the pamphlet, and therefore include the alleged tell-tale passages from pages 20 and 21 the publication of which Perera had demanded. It would seem that pages 10 and 11 contained the passages regarding the cause of the Riots. These were quoted by Fraser in his letter and have also been reproduced above. The pamphlet, according to the Rev. G. S. Amarasekera is entitled "The Story of Another Year's Work, 1915. Trinity College, Kandy, Ceylon". According to him it was an illustrated pamphlet "which booms the college". He⁸² had also stated after reading it, that "the account of the Riots given in the report does not blame the Sinhalese". According to Fraser the pamphlet is a report of 106 pages of which only 12 in all referred to the Riots. Fraser had stated that it contained a cartoon for which he was not responsible and which was never considered as his. According to Travers Buxton the pamphlet was marked "for private circulation only". These particulars, it should be noted, are from written testimony given by those who have seen the pamphlet.

We shall now reconstruct the pages that related to the Riots. Already as we have seen Fraser had quoted that part of the Report that dealt with the causes of the Riots. Immediately following it were, it would seem, the extracts that have now become available. Together they should form pages 10 to 22 of Fraser's Report. On reading this reconstructed Report we notice that some parts (in an abridged form) had appeared in the *Trinity College Magazine* of November 1915⁸³ pages 32 to 35. Until the printed pamphlet is found and all doubts finally cleared, we shall have to rely on the material now available.⁸⁴ On reading this material one is compelled to note that Perera's attacks on Fraser were unwarranted. Leaving aside hard words and strictures,

81. Appendix C *infra*.

82. Amarasekera who was the incumbent of Holy Trinity Church, Kandy which was the College chapel at the time had strong personal differences with Fraser over the building of a new school chapel. See Ward *op. cit.*, pp. 107 to 113.

83. We are obliged to S. J. C. Schokman of Colombo for this copy of the Magazine, which was edited by J. L. C. Rodrigo and R. C. Edwards.

84. Compare *Extracts* (Appendix C) with Ward *op. cit.*, pp. 100 to 105 where Ward quotes from a letter dated 1 June 1915 from Fraser to the Church Missionary Society, London, and also from other correspondence and Reports available to him. Miss V. L. O. Reimann author of *History of Trinity College, Kandy, Colombo 1923*, also deals with the Riots, pp. 173 to 178. These accounts have a common characteristic which can best be described in the Rev. G. S. Amarasekera's homely idiom as "booming the College". There is no attack, whatsoever, on the Sinhalese people.

and avoiding such terms as "lie", one must regretfully conclude that all this trouble had come through the clash of two dominant personalities, each in his own way unyielding and tenacious, who would rather employ the arts and artifices of debate to gain their ends than seek *rapprochement* through a friendly give and take. In the present case the initial fault lies fairly and squarely with E. W. Perera, as the hitherto "un-republished" part of the Report would reveal.

These *Extracts*, it will be agreed, show that Fraser had endeavoured in the words of the Rev. G. S. Amarasekera to "boom the College" giving details of "what mighty things he and his College did during the Riots". The report was directed to the head and heart of the British benefactor. It was an informal and intimate communication, with no pretence to graces of style, somewhat rambling, very personal and on the face of it strictly intended for a limited and exclusive audience.

In these circumstances one should be able to appreciate the reluctance of Fraser to give unnecessary publicity to what was in effect private correspondence. While there is good ground for it to be subjected now, like all other literary remains, to the scrutiny of scholars it would have been most unreasonable to expect, far less to demand, contemporary publicity for such communications.

Today we are familiar with masses of private correspondence, secret papers, love letters and other evidence of the lives of great and little men who have lived their days and passed away, laid bare to the public gaze. These make the characters real and human, not mere images graven for adoration as tribal gods or household deities. Truth, the greatest of all human objectives, is thus vindicated.

In the present case, while some might even blush when reading the Report, no fair-minded person would say that Fraser had slandered a nation or its people. Fraser, as we would have observed, was first charged with having declared to Steel-Maitland that the Riots were a "conspiracy", a "rising or rebellion", "disloyal" and of "organised character", meaning thereby that the people had conspired and organised to overthrow the Government.

When these wild charges were found to be untenable, the position had shifted and Fraser was asked to publish the "novel and original theory" of the Riots, that he had advanced in a secret pamphlet (ostensibly a College Report) circulated among the Members of the House of Commons. Fraser immediately complied with this request furnishing the required extract, but hotly denying at the same time that it was circulated among Members of the House of Commons except among four friends of Trinity College, Kandy, who were also Members of Parliament.

Then publication of specific extracts from the Report from pages 20 and 21 was demanded. These particulars, which Fraser refused to publish for reasons of his own are now available and they form (more or less), as far as we can reconstruct Fraser's Report on the Riots, the passages underlined in the *Extracts*. Do these or any other passages in the *Extracts* indicate that Fraser had alleged conspiracy or an anti-government organised rebellion on the part of the Sinhalese Buddhists as was assumed by E. W. Perera? The answer is quite clearly in the negative.

APPENDIX A THE GAMPOLA PERAHERA CASE

This case, D.C. Kandy No. 2246, was instituted on 3 April 1913 at Kandy by the Basnayake Nileme⁸⁵, the chief lay officer and trustee of the Wallahagoda Devale in Gampola, against the Attorney-General of Ceylon as representing the Crown. The plaintiff claimed a declaration that he was entitled to the right of conducting a religious procession, the Esala Perahera at Gampola, without restriction and based his right upon the fifth provision of the Kandyan Convention of 1815 which was described as a "solemn Treaty of Cession between the British Crown and the Kandyan Sinhalese which could not be varied by subsequent legislation".^{85a} The District Judge (Paul E. Pieris⁸⁶) delivered judgement^{86a} on 4 June 1914 in favour of the plaintiff: the judgement is reproduced in *Sir Paul Pieris Felicitation Volume*, Colombo, 1956, at pp. 156-174. The defendant appealed against this judgement in S.C. No. 245 D.C. Final, and the Supreme Court consisting of two judges (W. S. Shaw⁸⁷ and T. E. de Sampayo⁸⁸) allowed the appeal and set aside the Judgement of the District Court on 2 February 1915 (see Basnayake Nilame vs The Attorney-General, 18 *New Law Reports* pp. 193-213).

85. Wickramasinghe Nawaratne Panditta Wasala Abeykoon Ganwilla Herat Mudianselage Tikiri Bandara Ellekewala.
- 85a. See printed Record of Privy Council Appeal No. 90 of 1961, p. 10 (4), *PPERI* and *CNA* 65/236.
86. Paulus Edward Pieris, later Sir P. E. Pieris Deraniyagala Samarasinha Siriwardhana (1874-1957), B.A. (Trinity College, Cambridge), L.L.M. and Litt.D. (Cantab.), Barrister-at-Law, Inner Temple 1895, Ceylon Civil Service 1896-1935, Trade Commissioner for Ceylon in England; Organiser of the National Day movement in 1913; historian and patriot. "He critically examined the various fables that had been put in circulation by the British, and demonstrated that stories like the pounding of the decapitated heads of Ehelepola's children, were sheer propaganda, inventions as false as the horror tale of the Black Hole of Calcutta. He painted Sri Wickrama as a hapless monarch hedged in by enemies and surrounded by traitors, a forlorn figure not knowing whom to trust, striving in vain to maintain the independence of the Sinhalese", Thalgodapitiya *op.cit.*, p. 136.
- 86a. Pieris declared in this judgement, "This is the first time that the nature of the Convention has been brought before a court of law for a judicial interpretation", p. 167. This is not quite correct: see *G. A. vs Suddhana* 5 Tambyah 39, cited in 18 N.L.R. at p. 210.
87. Sir Walter Sidney Shaw (1863-1937) Barrister-at-Law Middle Temple 1888, Puisne Judge of the Supreme Court, Ceylon 1914-21, knighted 1921.
88. Sir Thomas Edward de Sampayo (1855-1927) Puisne Judge Supreme Court Ceylon 1915-1924; "As a Sinhalese", he wrote on 15 October 1915 to Sir Alfred Lascelles (formerly Chief Justice Ceylon), "I am thoroughly ashamed" of "the existing poison", of Sinhalese nationalism; C.O. 54/792 (50319), quoted by Charles S. Blackton *op. cit.*, p. 238 *fn.* 15.

The plaintiff petitioned the Privy Council in P.C. Appeal No. 90 of 1916. E. W. Perera, D. B. Jayatilaka, J. H. Sproule,⁸⁹ Sir John Simon⁹⁰ and De Gruyther⁹¹ appeared for him, while W. H. Upjohn⁹² and H. M. Givcen appeared for the respondent. Following a settlement⁹³ of the dispute in Ceylon, the appellant offered to withdraw the appeal at the first hearing on 14 May 1917 and sought a declaration from the Crown, which was to be embodied in the Order of the King-in-Council, to the effect that "upon the respondent stating that the Government of Ceylon has no intention of disregarding the Kandyan Convention the Appeal is by consent withdrawn, each side paying its own costs",⁹⁴ This offer was rejected by the respondent, and on the other hand the judgement of the Judicial Committee of the Privy Council delivered on 17 June 1918 (see 20 *New Law Reports* pp. 376-377) incorporated a passage from a letter⁹⁵ from the respondent's solicitors, to which the Lords of the Judicial Committee expressly drew attention. This passage ran: "We would point out that after the rebellion of 1818 a proclamation was issued in November of that year, and from that date down to the present time the Government of the island has always been administered upon the footing that all persons inhabiting the island should have full liberty of conscience, and the free exercise of all such modes of religious worship as were not prohibited by law, provided they be contented with the quiet and peaceable enjoyment of the same, not giving offence or scandal to the Government. And it has further been a principle of administration that all laws, whether they assume the form of an enactment or the form of a compact, must be regarded as liable to such changes by competent authority as in process of time and under changing circumstances the general interests of the colony or the interests of law and order may demand".

Copies of the Privy Council brief and the correspondence between the solicitor for the appellant and the solicitors for the respondent are among the *E. W. Perera Papers* in the possession of the present writer.^{95a} A verbatim report of the proceedings of the Privy Council of the 17 June 1918 appeared in the *Ceylon Daily News* of 31 August 1918. The writer is obliged to J. Malalgoda of Colombo for drawing his attention to this report and for providing him with the press-cutting. The short-hand notes of the earlier proceedings of the Privy Council of 14 May 1917 will be found among the Colonial Office Records in the Public Record Office, London.

APPENDIX B

A PORTION OF THE DIARY OF REV. J. SIMON DE SILVA

June 4th, 1915:

For some 3 or 4 days a state of utter lawlessness has prevailed in Colombo and throughout the country. Mob law has reigned supreme in all parts of Colombo, and the mobs have done their sweet will with the boutiques and shops and other property of coast Moormen

89. James Hugh Sproule, born at Badulla, Ceylon; Barrister-at-Law; President of the Ceylon Association in England; died 1924 (?).
90. Sir John Allsebrook Simon, 1st Viscount (1873-1954), described by Perera as a "brilliant Advocate". His annual income at the Bar at one time was reputed to be over £50,000. He was Attorney-General with a seat in the Cabinet 1913-15; Home Secretary 1915-16; He served in the War in France 1917-18; Chairman of the Indian Statutory Commission 1927-30, Foreign Secretary 1931-35, Home Secretary 1938-37, Chancellor of the Exchequer 1937-40, Lord Chancellor 1940-45. He joined the National Liberals in the British House of Commons 1930. He opposed compulsory military service during the first World War; his second wife Kathleen Harvey was a "well-known anti-slavery crusader".
91. Leslie De Gruyther, Barrister-at-Law, Middle Temple 1885; King's Counsel 1908; died 11 November, 1937.
92. William Henry Upjohn (1853-1941) Barrister-at-Law 1881, Queen's Counsel 1897, retired 1936.
93. See *Ceylon Morning Leader* 18 August 1916 and 12 March 1917, *Ceylon Morning Leader Overland Edition* 14 December 1916; also copies of correspondence between E. Delgado of 8 Warwick Court, Gray's Inn, W.C.1, Solicitor for the Appellant and Burchells of 5, The Sanctuary, Westminster S.W., Solicitors for the Respondent, *PPERI*.
94. See copy of letter dated 17 May 1917 from Delgado to Burchells, *PPERI*.
95. See copy of letter dated 5 November 1917 from Burchells to Delgado, *PPERI*.
- 95a. *PPERI*.

(Hambankaraya)⁹⁶ and in many cases of Moormen and Baiyas.⁹⁷ The rioters have moved about in large gangs in broad daylight, and looted goods, assaulted the tambys,⁹⁸ killed many of them without any hindrance from the Police who would seem to have been utterly helpless. There have been reprisals sometimes, but until martial law was proclaimed (far too late, I think), enormous damage to property and to some extent to life has been done not only in Colombo but in nearly all out-stations. It has been a terrible sight to see the rowdy crowds rushing about in a fit of frenzy beyond the power of anybody to control them. The military have shot down a good many already, and martial law has been extended to most other provinces as well as Colombo. It is too soon to determine the immediate causes—except to note that the trouble began on Wesak night⁹⁹ (May 28th) at Kandy in a quarrel between some carollers and Mohammedans there.

June 8th, 1915:

The disturbances have practically come to an end, and the Moormen are seen to be going about once more. Very considerable damage has been done in the outstations, but the proclamation of martial law had an excellent effect and matters are now well under control.

What an ugly nightmare it all has been. One feels inexpressibly distressed and perplexed over what has happened. The Sinhalese nation stands disgraced today.

June 12th, 1915:

The disturbances are over and things are becoming normal once more. Martial law is still in force and several prominent Sinhalese people have been arrested and their homes searched. We feared that my connection with the National Day Movement would lead to their visiting my home too, but they have not done so.

June 14th, 1915:

Martial law still prevails and there is grave inconvenience to everybody in consequence. All the Sinhalese papers have been stopped, and I especially regret the temporary suspension of the *Dinamina*¹⁰⁰ to which I began to contribute.

June 20th, 1915:

The country is under a gloom still. Martial law continues and it is announced that it will continue till August. Some of the well-to-do leading Sinhalese (Buddhists) are being hauled up and some of them, it is alleged, are to be court-martialled. A large number of people in the villages have been, it is understood, shot already and how many else are being shot, nobody knows.

96. See *fn.* 72a. *supra*.

97. A term used to describe Muslims from Baluchistan, who are also called (wrongly) "Afghans". They were originally itinerant vendors of cloth who became usurious money-lenders.

98. A loose, and affectionate, Tamil word meaning "younger brother" which came to be used in addressing the "Moormen" who are Tamil-speaking.

99. About 1-30 a.m. 29 May, close to "Salgado's bakery", at Castle Hill Street; A Ratnayake, later President of the Senate says that as a little boy he was present at this crucial moment by the side of his father P. B. Ratnayake of Katugastota who appealed to the crowd to be calm and peaceful. Inspector of Police F. T. Coore and Proctor E. L. Wijegoonewardene of Kandy were also on the scene. For an account of Ratnayake's arrest, internment, trial and acquittal see Armand de Souza *op. cit.*, pp. 209, 210.

100. A Sinhalese newspaper founded on 17 December 1909 by H. S. Perera formerly of the staff of the *Sarasavisandarasa* a journal started by the Buddhist Theosophical Society. "It was bought by D. R. Wijewardene and his brother 'D.C.' the first newspaper venture jointly or separately", Hulugalle *op. cit.*, p. 95. On 2 March 1915, centenary of the fall of the Kandyan Kingdom, the *Dinamina* published a special issue with reproductions of the Lion Flag and photographs of Sri Wickrama Raja Singha and one of his Queens. *PPA*; see Blackton *op. cit.*, pp. 236, 237.

June 25th, 1915:

Finished preparing 'Life of Neesima' for the press. I think its publication will be particularly appropriate and useful at the present time as exhibiting true patriotism as different from the pseudo patriotism in our midst which is responsible for much of the trouble that has come upon us. What a depressing sense of unsettlement and uncertainty still prevails. Practically all the influential Buddhist leaders have been arrested and are now in prison pending inquiry.

Saw Mr. Rigby¹⁰¹ again about the state of affairs in the country and tried to persuade him to take some action by himself if some concerted action on the part of heads of churches is impossible. It would seem that the military authorities are going to take yet more drastic measures with a view not merely to punish wrong doers but to destroy every possibility of future trouble. To what lengths these measures will be carried out, it is impossible to know. What one feels greatly concerned about is, that the Government is laying in store, without intending it doubtless, a great harvest of bitterness for the future.

July 9th, 1915:

The 'reign of terror' continues. Several people have been condemned by Court Martial to death, and this morning [sic] Mr. D. D. Pedris' young and only son¹⁰² was shot. It has sent a feeling of horror throughout the country. It appears the old man offered to pay Government lakhs of rupees if only his son could be spared, but it was to no avail. Some 15 or more are to be shot in the next two or three days and others are to be transported for life.

July 10th, 1915:

The court martialling and sentencing of people to death continues. N. S. Fernando's son¹⁰³ (D. D. Pedris' son-in-law) is among the condemned to die. It is to be feared that some of those who have been already executed or are to be executed are innocent people. Never has the country been so stirred to its depths as now. There is a great fear, a feeling of deep despair and a dread uncertainty about the future. One's heart bleeds indeed for the people.

101. Rev. William H. Rigby, Wesleyan Methodist Minister; served in Ceylon 1884 to 1917; Chairman South Ceylon District 1907-1917.

102. Diyunuge Edward Henry Pedris, a member of the (mounted) section of the Colombo Town Guards; Governor Chalmers in a letter dated 8 July 1915 to the Secretary of [19]te wrote, "the Brigadier General saw fit not to refer the matter to me and the death sentence was carried out", C.O. 54/782 (35109) quoted by Dr. Kumari Jayawardena *Economic and Political Factors in the 1915 Riots, Journal of Asian Studies* (U.S.A), Vol. XXIX: 2 February 1970, p. 232 fn. 46. See also *Pedris vs Manufacturers Life Insurance Co. Limited* where the next of kin of Pedris claimed Rs. 25,000/- the sum for which Pedris was insured in 1907: *New Law Reports* Vol. XIX pp. 321-333; On 10 July 1915 Inspector of Police F. P. Samarasinghe was executed, also by shooting, in this case following confirmation of the sentence by Chalmers "after consulting the Executive Council", see *Ceylon Morning Leader* 7 and 12 July 1915.

103. Namunidewage Albert Wijesekera. It is interesting to note that in this case too "the Officer Commanding the Troops has directed that the capital sentence shall not be executed until an opportunity has been afforded to His Excellency the Governor in Executive Council to consider whether the clemency of the Crown shall be exercised", —*Ceylon Morning Leader* 9 July 1915. Wijesekera's death sentence was commuted to life imprisonment, but he died in jail shortly afterwards.

July 11th, 1915:

Visited the friends who are incarcerated in Welikada gaol—D. B. Jayatilaka, the Senanayakes,¹⁰⁴ the Hewavitarnes,¹⁰⁵ newspaper editors and a number of others. I broke down at the sight of them in their pitiful plight, these wealthy influential men, most of them. I spent sometime with them and saw on their behalf immediately after, Messrs. Highfield,¹⁰⁶ Dibben,¹⁰⁷ Ewing¹⁰⁸ and Restarick.¹⁰⁹ I have decided to try to get up a deputation of Sinhalese Ministers with Mr. Rigby to introduce the case and one or two other leading missionaries to wait on the Governor, who will receive us on behalf of these friends. I had a busy time seeing people in connection with the above. Saw nearly all the men whom we expect to join. There has been a deputation of Sinhalese Christian laymen yesterday, with somewhat hopeful results.

July 17th, 1915:

Most of my time this week has been taken up with trying to arrange for a deputation of Sinhalese clergymen and pastors to wait on the Governor. We had a meeting on Thursday at St. Luke's School room, Borella, with Rev. G. B. Ekanayake¹¹⁰ in the Chair to discuss the matter. Previously Mr. Rigby had written to His Excellency requesting the interview, to which His Excellency replied asking that we send him a statement of our views in the first instance. This has been prepared, but as we want Mr. Rigby, Mr. Dibben and Mr. Ewing to go with us, a further meeting is to be held on Monday. The delay is very unfortunate for "time is life".

-
104. Don Charles Senanayake (1878-1931), Proprietary Planter, Mine owner and Merchant; Frederick Richard Senanayake (1882-1926), see *fn.* 61 *supra*; Don Stephen Senanayake (1884-1952) first Prime Minister of Ceylon; entered the Ceylon legislature in 1921 and continued as a member until his death on 22 March 1952; in November 1945 he succeeded in bringing the Ceylonese communities together to vote for the acceptance of the Constitution offered by the U.K. Government in the White Paper of 31 October 1945. It was a "notable personal triumph for Ceylon's great leader", Sir Charles Jeffries, *Ceylon—the Path to Independence* London 1962, p. 107; Jeffries further wrote, "he was, to most Ceylonese even to his political opponents, the personification of the nation", *op. cit.*, p. 136.
105. Dr. Charles A. Hewavitarnes and Simon Hewavitarnes, brothers of the Anagarika Dharmapala, see *fn.* 23 *supra*; Edmund Hewavitarnes another brother died in jail at Jaffna, see letter dated 18 July 1917 from R. H. Whitehorn, Private Secretary to the Governor to Dr. C. A. Hewavitarnes expressing "His Excellency's sincere sympathy and regret" obviously for a miscarriage (rather "travesty") of justice: *Ceylon Morning Leader* 21 July 1917.
106. Rev. Henry Highfield 1865-1955, Wesleyan Methodist Minister, Principal Wesley College 1895-1925.
107. Rev. Arthur Edwin Dibben, M.A. (Cantab.), Secretary of the Ceylon Mission of the Church Missionary Society; arrived in Ceylon 1890.
108. Rev. John A. Ewing, served in Ceylon 1902-1934; held the post of Field Secretary of the Baptist Mission for several years; died in U.K., 7 June 1951; author of "Lanka, the Resplendent Isle", London 1913.
109. Rev. Arthur E. Restarick (1861-1933) Wesleyan Methodist Minister, served in Ceylon 1884-1933, Colombo City Mission 1912-1917.
110. Canon George Benjamin Ekanayake (1866-1943), occasional leader-writer to the *Ceylon Independent*; "bishop maker", see *Canon Ekanayake of Colombo* by Percy Wickremasinghe, Colombo 1949, p. 43. Ekanayake's photograph appeared on the first page of the *Ceylon Morning Leader* 12 February 1924 the day of the election for the bishop, flanked on either side by photographs of the candidates, Fraser and Carpenter-Garnier.

Today I went to give evidence for Goonasingha,¹¹¹ but was not called. Court martials are being held daily and people condemned to death or penal servitude.

July 18th, 1915:

Visited Welikada gaol and saw the friends in custody again. Oh, that I might do something to help in bringing about the discharge of these people.

July 19th, 1915:

A meeting was held at the Galle Face Mission House (Mr. Dibben's) this morning to discuss the letter to the Governor and to arrange the deputation. Very good meeting. *Had the valuable advantage of the presence of Mr. Fraser of Kandy who is using the great influence with Government on behalf of the people.* Messrs Rigby, Dibben and Ewing, with several Sinhalese ministers were there. A letter to His Excellency was prepared. (emphasis added).

* * *

August 2nd, 1915:

Wrote to Messrs. Ramanathan and Moonemalle¹¹² giving my views for the Council Meeting next Saturday.

* * *

August 28th, 1915:

Went over to Wijewardenes¹¹³ to meet their lawyers in regard to the case against the *Dinamina* in which I am summoned to give evidence. Saw Mr. Hewavitarne and others. They want some of us to go to England in a deputation in regard to the present state of affairs and what has already happened in connection with the riots. It is possible that D.B. Jayatilaka and I may be asked to go for the present, whilst arrangements are made for a later and more influential deputation. Dr. Hewavitarne and Dr. Fernando are of the opinion that we should go without loss of time.

* * *

August 30th, 1915:

Went over to D. B. Jayatilaka's in regard to case against the *Dinamina*. Mr. Ewing too was there.

August 31st, 1915:

The termination of martial law by the Governor has just been gazetted, so one feature of the terrible nightmare is over.

111. Alexander Ekanayake Goonesinha (1892-1967), journalist and Labour Leader; founded the Young Lanka League, the Ceylon Labour Union and Ceylon Labour Party; pioneer agitator for manhood suffrage and Trade Union rights for urban labour; editor of the *Searchlight*, the *Nation* (along with E. T. de Silva 1884-1926), and *Young Lanka*; was defeated by S. W. R. Dias Bandaranaike (1899-1959) in a contest to represent the Maradana Ward in the Colombo Municipal Council, 1927; member of the State Council for Colombo Central; member of the House of Representatives for Colombo Central and Minister without Portfolio in D. S. Senanayake's Cabinet; Ambassador of Ceylon in Indonesia; copies of his fragmentary autobiography handed by him shortly before his death to the present writer are at the Library, University of Ceylon, Peradeniya and at the Evelyn Rutnam Institute, 35 Guildford Crescent, Colombo 7; see A. E. Goonesinha *My Life and Labour* a series of articles in the *Ceylon Observer* July/August 1965.

112. T. B. L. Moonamalle (1868-1938), Proctor S.C., Nominated Member representing the Kandyan Sinhalese in the Legislative Council 1906-1917; Member of the Kandyan Reforms Deputation to Lord Milner, the Secretary of State for the Colonies.

113. See *fn.* 68 *supra*.

September 25th, 1915:

Our dear friend Dr. Solomon Fernando¹¹⁴ has suddenly passed away. He spoke at this afternoon's Meeting of the Sinhalese in the Public Hall, filled with numerous touches that one has ever heard and almost immediately after sitting down his heart failed and within about ten minutes he was gone. The rest of the proceedings were curtailed and the vast gathering was solemnised. What an end it was, how fitting and beautiful. He lived for others—his heart has grieved for every one in distress, and no one has felt more keenly for our people during their recent sufferings than he. And he died for them.

February 1st, 1916:

Wrote to Dr. Scott Lidgett,¹¹⁵ Editor of the *Methodist Times* with reference to the late disturbances and requesting his help for Mr. D. B. Jayatilaka's mission. Wrote also to Jayatilaka.

February 11th, 1916:

I have written a long letter to Mr. Henry Haigh¹¹⁶ as I did last week to Dr. Scott Lidgett, explaining the late troubles and commending to them the mission of D. B. Jayatilaka.

* * *

February 27th, 1916:

Had a long talk with F. R. Senanayake¹¹⁷ as to assisting our friends in England.

April 16th, 1916:

Heard from D. B. Jayatilaka. Was cheered to learn that my efforts to get friends interested in his mission have been not without results. The *Methodist Times* has afforded him an interview and written very well about our matter.

May 12th, 1916:

Went with F. R. Senanayake to see Mr. Fraser in order to seek his help in approaching the Governor in connection with riot prisoners still in incarceration. (emphasis added).

APPENDIX C

EXTRACTS FROM REV. FRASER'S PAMPHLET CIRCULATED IN ENGLAND, MARKED 'CONFIDENTIAL' CONCERNING THE RIOTS AND THE PART HE TOOK IN QUELLING THEM¹¹⁸

Friday, May 28th Buddha's birthday, passed off without any tumult in Kandy. There were great crowds in the street, and I took my wife a walk through them, and they were orderly, even if a little expectant and excited. A few here and there had clubs. About 3 a.m. after most people had gone to bed, the riots broke out with an attack on that mosque, which had been most aggressive in its objections to *dansals* and processions. It was an

114. Dr. Solomon Fernando (1850-1915), "Few people are aware that Solomon Fernando literally walked to his death, for he was ailing with a weak heart; he could not resist the personal entreaties of D. S. Senanayake and others. He kept his trust with destiny, but left the motherless children, to whom he was passionately devoted, orphans of the storm"; J.T.R. in the *Tribune* 25 September 1967, p. 3.

115. Rev. John Scott Lidgett, Wesleyan Methodist Minister, Leader of the Progressive Party in the London Country Council 1918-1924; *The Methodist Times* of 23 March 1916 had an article on "The Troubles in Ceylon; Why a Commission of Inquiry is asked for?" and supported it with editorial comment.

116. Rev. Henry Haigh (1853-1917), Wesleyan Methodist Minister; Secretary of the Wesleyan Missionary Society; ex-President of the Wesleyan Missionary Congress.

117. See *fn.* 61 *supra*.

118. These extracts are taken from a manuscript copy in *PPERI*; The latter part of this manuscript in E. W. Perera's handwriting concludes with "p. 12-22. Report For Private Circulation only—The Riots p. 90-94". The title beginning "Extracts from....." is also in E. W. Perera's handwriting. A complete photostat copy of this document is in the Library, University of Ceylon, Peradeniya.

empty shell next morning, but none of us felt much sympathy for the Moors or any indignation against the Sinhalese. No one had been killed or hurt, and the Moors had brought the attack on themselves, by their religious intolerance.

On Saturday, the 29th, crowds, began to collect towards evening. A little before 9 o'clock, I went down in dinner dress, and without a stick or anything of the kind, just to see if trouble was likely, and to give any help I could. I soon saw mischief was afoot. One shop, a jeweller's, had been smashed in. The Superintendent of Police had been assaulted. The crowd were armed with clubs, and had great beams to use as battering rams. They were led by Low-Country Sinhalese—a much less religious, and more deliberately dangerous set of men than were in evidence the previous night.

I saw an order given by one of these leaders, and the mob, in answer rush to the main trading street of the town. I ran after them, and, though only one minute behind them, found them already at work, when I got round the corner. With great beams they were trying to burst open a Moor Shop and dwelling house. Bricks were hurtling through the air at it, and clubs battering also on its wall and shutters. One man was climbing on to the roof to untile it and to get it from above. I jumped for him and hauled him down by his heel. Then I stood with my back to the shop and laughed to the crowd. They quite cheerfully laughed back at the sight of their sprawling leader, and I slowly lit a cigar. That interested them all, and bricks ceased to fly. I think they considered the cigar clean out of place at such a time, a sort of genial profanity. Then we talked. After much discussion, they finally told me they must attack the Moors but they were loyal to the Europeans. "Well", I said "if you are loyal to the Europeans, I am one and you must obey me, and go and seek your Moors where I am not". They agreed. Then they went a hundred yards further down and started on another place, where I followed them.

But soon after, at the other end of the street, a Sinhalese was shot by a Mohammedan and meantime, too much arrack was being drunk. So I collected a party of six¹¹⁹ masters and old boys, told the head of the police that if he would guard the centre of the town, we seven would do what we could for the dangerous suburbs of Katukelle and Gatembe.

Then began a night of work. We started off on this mission after 11 p.m. We had gone only a little over half a mile when we came to a stable yard full of rowdies, all armed. They told us they were going to defend the Temple of the Tooth from the Moors. They were as a matter of fact, going to attack the Katukelle and Gatembe Moors. However, to the Temple of the Tooth they had appealed, and as it is in the centre of Kandy, and besides all the police, there they should go. By sheer impudence we drove them there—a cool hundred of them. Until 2 o'clock we kept Katukelle. But another road passes a few hundred yards south of Katukelle, and joins the main road leading to Gatembe, Peradeniya and Colombo behind it. Knowing we were on the main road, a large mob advanced along the south road. We heard them and ran to the junction. There they soon came upon us, well over 500 of them, led by the biggest Sinhalese I have ever seen—a man 6 feet 3 inches, armed with a club and knuckle-duster. Many were drunk—maddened, all were eager to get to Gatembe mosque. Then came a sporting struggle. We could not turn them, but we could delay them. I sent Asche the Australian, back to tell the authorities that we were powerless to prevent the destruction of Gatembe and could only delay it for an hour or so. The rest of us one American, one Burgher, one Englishman, two Sinhalese and myself, started the work of making time. We argued, threatened, expostulated, and started to march with them to Gatembe, 2½ miles away. Every now and again we stopped to re-argue the case, the big man threatening us, and me in particular with the martyr's crown. We were all scattered amongst the crowd, and on one occasion, I turned from my place at the head of the procession, and saw Roberts the American about three paces behind. I said "Come along here, we may as well march together and enjoy our walk". He answered "No, I am staying right here to see that that limb of Satan does not get you with his club or knuckle-duster". The "limb" understood no American, and as it was the first row Roberts had ever been in, I thought he was showing some sense. As we neared Gatembe mosque, we came on the local police station. I ran into it to ring up the Kandy police, and

119. "Fraser went back to the College to get help and he collected six masters with walking sticks: [C.E.] Simithraaratchy [later Principal of Trinity], Jansz and Goonetilleke, Ceylonese, [H.J.C.] Asche Australian; [W.H.] Roberts, American and [A.C.] Houlder, English". Ward *op. cit.*, p. 102.

to see if I could get any assistance. It was a fatal act. I had scarcely rung up Kandy when with a yell, the mob rushed the mosque. We had held them off 1½ hours but now we were helpless. At 4 the Police turned up in a strong body, but by then the mosque and some houses had been gutted by the mob and their contents burned in the road. Meantime Kandy had been made quiet. The worst part of the mob, of course, was in Gatembe. Some prisoners were taken. Then wearily we tramped home, over three miles, to a bath and a hour in bed before beginning Sunday's duties.

On Sunday (30th May) morning, I asked all in the Senior classes who were willing to volunteer as special constables. As many would have relatives sympathising, if not actually taking part in the riots, I warned them that they might have to charge with the bayonet or shoot. However out of a possible sixty from the boarders, fifty volunteered, the remainder offering to serve in defence of the compound. At 2-30, we marched off, over forty, without arms of any kind, to the police station to be sworn in. As we returned at 3-30 absolutely unarmed and expecting no trouble near there, we came round the right angle turn from Hill Street into Trincomalee Street, with the Trinity College gate only 200 yards ahead of us. And between was a crowd of about a thousand, armed with knives and clubs attacking a Moor house. Two Moors were killed, we were told, and a Sinhalese man lay bleeding and stabbed in front of us. The police, under a European officer, were too few in numbers to adequately protect the house attacked. Stones and bricks were flying. I ordered my party to charge. In they went, not a stick or weapon amongst them, fists and hands and the weight of a disciplined body their only power. But they scattered the crowd and took twenty prisoners. These I made them let go when they had done what they could to identify them, and ordered them to proceed to the police officer for further instructions, and to help him in the real danger spot, the attacked house. We could not both keep prisoners and defend the house. The officer handed over the house to our keeping. Inside were two badly wounded Moors, the men who had, in hunted terror, stabbed the Sinhalese lying on the road. Then the police moved off, taking the wounded Sinhalese and a prisoner, the giant of Saturday night. Ten of my forty-three went to help the police to get away with their prisoners, but the giant was rescued by the crowd after they had got into Hill Street. Five more I sent to the College, to make clubs to arm my fellows, and about thirty of us stayed at the door attacked. A screaming dishevelled Sinhalese woman, whose husband had just been killed, led the attack and urged on the crowd. They could do little though, as we stood together in a semi-circle and were helped vigorously by an Old Boy, a great local chief. An hour later, the Punjabi troops arrived and scattered the crowds, and we proceeded to the College for an early tea-dinner before starting to patrol the streets, from 6-45 p.m. to 4-00 a.m.

For patrol work we divided our party into groups of twelve, each with a master and a boy in charge. Three groups took turns in marching the streets for three hours at a time. One group slept whilst we marched; another guarded the college and cricket field. The fourth group of twenty were cyclists, and did patrol work all round the environs of Kandy, for eight hours straight on. They had the most exciting time of us all, and alongside of two motor cars full of Punjabi troops, went on one occasion, ten miles to Kadugannawa, where the crowd were out. There they charged with the troops into the burning streets, helped them to scatter the mob, placed the ringleaders into the motors, and came home tired but highly praised by the officer in charge, and therefore, delighted.

On Monday, we made all the school work from 8 to 11, ordinary morning school, sleep from twelve to three, and fall in for drill at 4-30. The Mohammedans came to us in the morning, and asked us to take over their women and children. So by Monday night, we had 85 Mohammedan women and children refugees in our compound. That meant careful guarding, for a Sinhalese newspaper, which had much to do with stirring up the ill-feeling which led to the riots, and which was read by many rioters, reported that we had the refugees in our compound, so the fact was widely known by Tuesday evening, and of course, was even well rumoured by Monday. We, therefore, called out all our boy scouts also, and posted them as pickets around our too vulnerable compound, keeping a strong body of twenty seniors in the centre of the compound, ready to go to any point or points. The rest of us took up the streets and cycling work as before. Martial Law was proclaimed in Kandy on the Thursday and we exchanged our clubs for rifles with ball cartridges and bayonets. By this time, every available boy had joined our military section, for they had seen the victims of the mob, also they knew we were out to save life and not to destroy and that we meant to be hurt rather than to hurt. The second night of Martial Law, I came with my section of twelve boys on a mob of about a 100 in Katukele. I ordered the mob to disperse or get into their houses. They refused. Then I ordered the boys to fix bayonets

and added low "slowly". Bayonets were fixed, and then I yelled "Charge!" and rushed on the crowd with my small baton and laid it on their backs and shoulders. Expecting equal violence from the bayonets they fled. The bayonets pointing in their rear, hurried them up, and soon none were left. We chased them up a close alley. There we packed them into the nearest houses and let none out again that night. Thus they were scattered and none wounded.

Soon after, I was in pitch darkness leading my twelve along the edge of a deep ravine feeling my way. One of the boys cried "Sir, you might fall and get hurt, I'll lead" and suiting the action to the word, he immediately jumped in front of me. His jump landed him 25 or 30 feet below, with his fixed bayonet pointing downwards luckily. He escaped with a few bruises, but in the darkness it took a long time to get him and his rifle up again.

Three times one morning, between 3 and 4 a.m., attempts were made to rush our compound from the woods above, but they ended without even a blow, as our fellows, summoned by the scouts, charged up in a steady double, the tramp, tramp, evidently scaring the would-be rioters. From all over the Island we have heard of deeds done by our Old Boys: A leading Kandy Moor came to me one day to tell me of his escape from a crowd in the Southern Province. He was descending the river in a boat, followed along the bank by an angry crowd. They came to a swamp where another stream flowed in and had to make a detour. But into the swamp dashed one Sinhalese and called to the Moor to put in and he would change clothes with him. The Moor did, and went on his way by land, dressed as no Moormen ever dressed before, but secure. As they parted, the Sinhalese gave him an envelope and said "That's my name, when you get to Kandy, take it to Trinity and tell the Principal that even isolated Old Boys can do something". In many other places, in villages and country towns they have sheltered refugees. One small, undersized weak man, dared to shelter ten. A lady teacher of the College, living with an old father and mother in a house in the middle of the rioting, dragged a severely wounded Moor into her house. I came on a house being attacked by a crowd eager to get at the Moors inside. Blocking the way was an old Boy—a Sinhalese Chief—his arms stretched across the doorway, telling them they could only get in over him.

Only one of our Old Boys has been in the Riots, I believe, and he left us from the lower school, and he was guilty of mischief only.

Government have told us that they recognise our work, and as an earnest of their gratitude have remitted a claim of Rs. 1,000/- they were urging against us for past rent in connection with our new cricket field. Of all the colleges, we alone, in this time of war and scarcity of munitions, are allowed to retain our rifles.

Some curious situations arose. The Governor¹²⁰ came to Kandy on Tuesday afternoon, June 1st.^{120a} The Buddhists came to me, to know if I would go with them to him and represent their case. Soon after, the Moors asked me to give them sure convoy to the Gov. and go with them to represent their case! I saw the Gov. described the deputations, and he agreed to meet them on Wednesday morning which he did. They met him separately and together. I went out at 6-30 a.m., on Wednesday in a small motor with Mr. Mulgrew

120. Sir Robert (later Lord) Chalmers (1858-1938), "the financial genius of the British Treasury who prepared the famous Budget of Lloyd George in 1909 creating a sensation all over England and ultimately precipitating the Parliament Act", W. Thalagodapitiya, *Studies of Some Famous Cases of Ceylon*, Colombo 1963, p. 95; Governor of Ceylon 1913-16; on 2 June 1915 Chalmers proclaimed Martial Law and "completely" handed over "absolute power to the Military" under Brigadier General Henry Huntly Leith Malcolm (1860-1938) who himself admitted that this was "most unusual"; on 18 November 1915 the London *Times* reported that Chalmers was offered by cable an appointment in the Treasury by Prime Minister Asquith and that he had accepted it. Perera has contended that Chalmers was "recalled". P. T. M. Fernando deals with this matter fully in his article in *Modern Asian Studies* cited *supra* fn. 10. See also *Ceylon Daily News* 27 September 1919 p. 3; Despite Chalmers' "warm tribute" to Malcolm in his despatch to the Colonial Office dated 24 June 1916 (C.O. 54/782), he is recorded as having taken strong action when a circular Order dated 26 July 1915 drafted by Malcolm was submitted to him by Stubbs with the latter's minute disapproving of a Section marked 4 which read, "If any bridge is destroyed the Headman and leading men of the neighbouring villages will be seized and, if they do not give up the perpetrators, may be shot". Chalmers took a grave view of the matter and showed

and we picked up the four most hated and most eminent Mds. One was the man from whose shop the first fatal shot was fired. One was the head of the Mosque that was destroyed. One was the man who had led on the movement against the Buddhist processions. The last was a leading merchant. We added a fifth representing the highest type of Ceylon Mohammedans. Talking to them and getting the expressions of their ideas clear for the interview took a long time. And the Buddhists took even more out of me. All met together, Buddhist and Mohammedan in the College Library, the antagonistic deputations being friendly and agreeing to common action. And finally at peace and united in what they should ask, we all walked to the Governor's House, where I left them to present their own cases. I got back for my first meal, barring early tea, at about 12-30. Then the interviews were over at 2 o'clock, and I gave the Mohammedans safe conduct through the streets in a Buddhist car. Meantime the Governor sent for me. I had, however, half an hour first with the Buddhists, and promised to get a clear proclamation from the Governor as to the action he would take—severe till riots were stopped, then unprejudiced consideration for all grievances. This the Governor gave me, and I believe it did good, for it showed that the Government was not for any one party or religion but for law and order. At 5-30 I saw the Buddhists again and got them to publish the Governor's note with full letters of explanation and appreciation in their press.

Later when the Kandy Town Guard was formed, I was elected Officer Commanding by the Europeans. Of course I could not take the job, for I have too much to do, and am not out to fight, but temporarily I acted as second in command till Martial Law was over, for both Sinhalese and Burgher leaders asked me to do so, as a guarantee that race prejudice would not come in. Before this however, the Mohammedans had come to me and offered to provide a thoroughly equipped body of 500 men if I could be their O.C.! How much for a messenger of peace?

(p. 20) There is the other side of the picture too. *No one in Kandy or Colombo is probably as hated amongst some classes of the people as I am. They think I ought to be their friend, and that I am not. In the seized correspondence, the ring-leaders of the riots, who aimed at much more than an attack on Moors, had specified me as the first person to be got rid of, and the "Fraser microbe" was to be "rooted" out of the Sinhalese youth.*¹²¹ Threatening letters have come to me frequently, and wild stories are spread of my evil intentions against the Sinhalese and Buddhists. My boys watched me and guarded me during the riots as though I had been the much threatened heir of an Eastern Throne. Now troubles are practically over. Mutterings continue, but they will not materialise, I think. Anyhow we are prepared now.

Some of our boys have done great service to Government in dressing as labourers, railway men etc., and going to the more dangerous districts, to find out when, where and from whence attacks might be expected. Such lonely work required much courage and self-possession. Then they went to places where Sinhalese and Moors are combining to ruin

Malcolm a draft of a letter which he had addressed to him where Chalmers warned Malcolm that if anyone was shot under this order it would involve "both the responsible volunteer and yourself in a charge of murder". "Accordingly", he wrote "I ask you to revise forthwith the existing para 4". He also made the General to understand in this draft letter that the General was issuing orders "in the exercise of the responsibilities which I have charged you under my Martial Law Ordinance". Happily paragraph 4 was deleted from the final order. See *CNA 65/232 Confidential File Riots 1915*. Malcolm who was according to Perera "retired on half pay in December 1915" commanded a brigade in the British Expeditionary Force in France when he returned from Ceylon, and in fact left the service only on 10 December 1917 on the ground of 'age'. "Some of Malcolm's contemporaries had doubts about his sanity", says P. T. M. Fernando quoting from Dr. M. W. Roberts' "Interviews with T. W. Roberts and H. E. Newnham", Rhodes House Library, Oxford. On the occasion of Chalmers' departure from Ceylon in December 1915 Armand de Souza under the pseudonym "Vasconcel" published an eulogistic poem in his paper *Ceylon Morning Leader*, where he wrote "We bid you from our hearts God-speed.... Since England calls you at her need". Chalmers was made a Privy Councillor (Ireland) 1916, G.C.B. 1916 and 1st Baron of Northiam 1919. Chalmers lost both his sons in the Great War, one on 25 May 1915, and the other sometime after the Ceylon Riots.

^{120a}See fn. 56a *supra*.

¹²¹. "the last three lines on page 20", Perera, *Ceylon Daily News* 31 October 1919 p. 1.

their private enemies by false evidence. For the most miserable part of the riots was this aftermath of false swearers and testifiers of private grudges, and they were Sinhalese, too, sometimes, though chiefly Moors. This is much the most depressing part of a trying time. Innocent men undoubtedly have suffered and sometimes it was their own neighbours who were primarily responsible.

*By the by, the giant of the Knuckle-duster and club, was caught later and tried by Court Martial. I had to appear against him, so saw my first Court Martial. It was a very fair, responsible, businesslike Court, short, direct but patient.*¹²² The giant got fourteen years.

There I was chiefly occupied in getting people, I believed, to be wrongly accused out on bail, and helping them to use wisely the evidence they had.¹²³ Also I had some of the Mdn. leaders up and persuaded them to bring pressure on their riff-raff to cease bringing up purely vexatious and false cases into court. Few who were sentenced to death,¹²⁴ we were able to get reconsideration for as we were able to bring fresh evidence and to secure finally their acquittal. Others, too, we have been able to get reductions for.

*The "Planters' Gazette" commenting on the riots remarks "The curse of Ceylon, so far as can be seen, has been indiscriminate education without a solid religious foundation". That has been made clear in a movement in which the secular and Buddhist schools have taken only too strong a part.*¹²⁵ On the other hand, never has our religious teaching here, and battle against race prejudice¹²⁶ received as powerful a vindication in the eyes of all. Even the fool who runs can read it this time. And we have had good cause to be proud of the "Sons of Trinity". All over the Island they have done their part well, and here boys unarmed have scattered armed crowds. Moreover, they have, most of them thought through to their action, and realised why they were taking it. To some it meant being against their relations and their up-bringing. Some only, two or three, have been removed from school for it. But whilst opposing men of their own race and often of their own faith, they have done it not lightly or merely as followers of their present leaders, but the older ones certainly as patriots, who have considered and understood the issues at stake. We are proud of them.

122. "the first four lines on page 21", Perera *Ceylon Daily News* 31 October 1919 p. 1.

123. In his letter dated 21 July 1915 to Rev. E. H. M. Waller of the C.M.S., Fraser wrote, "Our work is going on still in regard to the Riots. Now-a-days the Moors are in the ascendant and are bringing lots of cases on false evidence against Buddhists and my Bungalow now is thronged by Buddhists. Yesterday I was the means of bailing out thirty I believe."—*C.M.S. Archives* in London—We are obliged to Dr. P. V. J. Jayasekera for this reference. Fraser was responsible in apprehending two Muslims who had tried to blackmail A. Ratwatte (father of Sir Cudah Ratwatte) and D. E. Ranasinghe, Inspector of Schools in the Education Department; see Souza *op.cit.*, pp. 213, 214 and 217; also Ramanathan *op.cit.*, p. 68 *fn.*

124. Three of them were "P. C. H. Dias and his two kinsmen Messrs. Arthur and Harry Dias. A son of Mr. P. C. H. Dias has informed one of us that both Fraser and Rev. W. J. T. Small who was then Principal of Richmond College interviewed the Governor on behalf of the condemned men and the sentences of death were revoked. One son of Mr. P. C. H. Dias was then attending Richmond College and the others Trinity College". See letter of Trinity College Old Boys, *Ceylon Observer* 25 February 1962; Another case was that of Don Jacolis Rupasinghe Goonewardena, Vidane Aratchi of Kaluaggala Peruna, Hanwella and known as Borulugoda Ralahamy, who was sentenced to death by Court Martial at Hanwella on 18 July 1915. The sentence was not confirmed and he was released later on the ground that the "evidence against Goonewardena was unreliable". His son Harry Goonewardena was studying at Trinity at the time. Philip and Robert Goonewardena, later members of the Ceylon Legislature, were also his sons; See Souza *op. cit.* pp. 140, 141; *CNA* 65/225 pp. 127, 130; Secretary of States reply to a question by Philip Morrel, *Hansard* (British House of Commons) 6 March 1917.

125. "the last four lines on page 21", Perera *Ceylon Daily News* 31 October 1919 p. 1.

126. See Ward *op. cit.* 1 p. 184, where Fraser is described as saying: "I am not prepared to run Achimota [the College inaugurated by Fraser in Ghana] on a basis of racial segregation". In April 1924 Fraser delivered a sermon in Westminster Abbey, London, "which caused great indignation" among European settlers in Africa.

APPENDIX D
ELECTION OF THE BISHOP OF COLOMBO IN 1924

This election, which the present writer recalls having attended as a spectator, took place on 12 February 1924 at St. Peter's Church, Fort, Colombo. The Press and persons who did not belong to the Church of England were excluded from the meeting. There were two candidates, Fraser and Mark Rudolph Carpenter-Garnier,¹²⁷ a learned divine and Librarian of Pusey House, Oxford. The Bishop had to be elected by a Special Synod consisting of qualified members of the Clergy and Laity, and the successful candidate would have to poll over two-thirds of the votes cast by the Clergy and the Laity, each voting separately.

The voting on that day was as follows:

| | | | | |
|---------------------|---|-------------------|----|-----|
| <i>Clergy</i> | — | Carpenter-Garnier | .. | 55 |
| | | Fraser | .. | 30 |
| <i>Laity</i> | — | Carpenter-Garnier | .. | 129 |
| | | Fraser | .. | 43 |
| At the Second Poll: | | | | |
| <i>Clergy</i> | — | Carpenter-Garnier | .. | 57 |
| | | Fraser | .. | 23 |

It will be noted that the Laity which was mostly composed of Ceylonese voted overwhelmingly¹²⁸ for Carpenter-Garnier, but the Clergy which had a considerable proportion of Europeans had to poll twice in order to gain the requisite two-thirds majority for Carpenter-Garnier.

It has been claimed in some quarters that Fraser lost this election because he belonged to the Church Missionary Society (C.M.S.), the "Low-Church" Section of the Church of England. As one who was present on the occasion and who had observed the feeling evidenced in the animated canvassing that prevailed there, and who had since studied the matter more closely, the writer does not wholly agree that this was so.

Nobody denies that there were two opposite camps, the C.M.S. and the Anglo-Catholics within the fold of the Church, and that Fraser and Carpenter-Garnier were outstanding representatives of the respective groups. But the factor that weighed most in the minds, at least of the Laity, was the legend that Fraser had been anti-national during the Riots, thanks to the impression created by E. W. Perera. As a matter of fact, if the present writer had been qualified to vote then, he too would have voted against Fraser.

An anonymous writer signing himself "An Honest Churchman" wrote on the eve of the election in the *Ceylon Daily News* (p. 3) on 11 February 1924, "The accusation brought against him [Fraser] in connection with the Riots of 1915 and his failure to clear himself will be remembered not only by many Christians, but a very large percentage of non-Christians in the Island. Rightly or wrongly many people of this island look upon him with suspicion . . ." (emphasis added). Another writer, also anonymous, calling himself "Churchman", wrote in the same issue of the *Ceylon Daily News* (p. 3), "Mr. Fraser is looked upon with feeling very much akin to distrust by a large number of church people. *The Hon. E. W. Perera's charges against Mr. Fraser are still unanswered* and Mr. Victor Corea's¹²⁹ recent letter to the Press expresses his own and others views of Mr. Fraser's candidature, and they are both Churchmen" (emphasis added). Such was the campaign waged against Fraser.

127. Rt. Rev. Mark Rudolph Carpenter-Garnier (1881-1969), D. D. Lambeth 1924, Librarian of Pusey House Oxford, 1921-24; Bishop of Colombo 1924-38; Canon of Salisbury 1938-44.

128. This result was anticipated by C. A. Boteju; see his letter to *Ceylon Morning Leader* 7 February, 1924.

129. Charles Edward Victor Corea (1882-1962), member the Parish of St. James Church, Chilaw; colleague of Goonesinha, see *fn.* 111 *Supra*; first President Young Lanka League; first President the Ceylon Labour Union; Corea's letter appeared in the *Ceylon Morning Leader*, 8 February, 1924, p. 3.

The Anglo-Catholics and the C.M.S. were in the writer's view more or less evenly balanced at the time, both among the Clergy and the Laity;^{129a} but the bogey of anti-nationalism which was whipped up during the election and which reached a crescendo on the eve of the election, supported by the crusading campaign of one of the most powerful figures in the Church Militant in Ceylon, the Rev. G. B. Ekanayake,¹³⁰ an Anglo-Catholic and a dedicated nationalist effectively turned the scales against Fraser.

^{129a} A complete list of members of the laity and clergy who were qualified to vote and who were present at the election is given in the *Ceylon Morning Leader* 13 February, 1924.

¹³⁰. See *fn.* 110 *supra*.

