EXTRACT FROM CEYLON OBSERVER DATED 7TH NOVEMBER 1916.

CEYLON'S HISTORICAL DOCUMENTS.

Jaffna, November 6th.

Dear Sir, - Sir Alexander Johnston, whose name is so intimately connected with that of the Royal Asiatic Society of Great Britain, was Chief Justice in Ceylon in 1806 and again from 1811 to 1819. When he retired Lord Grey declared in the House of Lords that his "conduct in the Island of Ceylon alone had immortalised his name". The truth was that Sir Alexander had found time amidst the intellectual dissipations of Hulftsdorp to study the more serious problem of his new fellow-subjects, and in him Sir Robert Brownrigg found a colleague who was helpful not only for his legal attainments, but for his profound knowledge of local conditions. Students of local History cannot, therefore, fail to be greatly interested in the fact that Sir Alexander's Collection of Ceylon Documents has been placed on the London book market.

Sir James Emerson Tennent appears to have been aware that Sir Alexander had translations of the Portuguese and Dutch writers prepared for publication, and the twenty-four lots which are advertised contain translations from de Barros, de Couto, and Valentyn. The Raja waliya holds a high rank as a Sinhalese historical authority, and indeed, so far as the Portuguese ere is concerned, it is surpassed only by the Parangi Hatane. Nevertheless the translation of the Raja waliya which is available to the public cannot be regarded by a student as satisfactory; it suffers not only from certain rather startling errors of translation, but also much more from having followed misleading originals. A translation of this work, extending to 170 pages, is to be found in the collection, with numerous other papers dealing with manners and customs, music, accounts of various devils, the " persuasion of the Candians," etc. Another set of documents deals with the Christian church in Jaffna, with information regarding the Muppus and Sanoristans, and the Jaffna Seminary, and includes a list of Brahmins who under the bland influence of the Dutch Government had found maintenance for their bodies, if not salvation for their sould, by embracing Christianity. There are several papers dealing with the tobacco trade up to 806, the Chank Fishery, the Thesawalamai, has customs, Dutch Tribunals, Dutch regulations,etc.The cinnamon department always attracted Sir Alexander, and he has preserved in the early journal of the Royal Asiatic Society an account of the caste which was responsible for the production of the spice. The collection contains numerous official letters regarding the same as well as Governor Simons' instructions to the Cinnamon Captain. There are two or three narratives of the Kandyan Massacre of 1803, written by persons who took part in the connected expeditions, with a set of papers dealing with the "Quarrel with the King of Candi." The Supreme Court, I Believe, not many years ago bemoaned its inability to trace Burnand's Memoir. Here it is, in the original French, with an English introduction, as well as, 450 pages ofinstructions to the Chief of Bathcoloa (Batticaloa ?) signed by Burrand (Burnand ?). There is another aspect of the collection which one cannot regard with satisfaction, and that is that like Sir James Enerson Tennent the scholarly Chief Justice did not draw much distinction between public archives and private property. Here is the M.S.S. book of Dutch Ordinances, etc., date Jaffnapanam 1760, which was sent by the Provincial Judge of this station to the Governor in Council in June, 1806. Here is the official correspondence between the Governor and the Judges, 1812.-1816, the minutes of the Governor in Council, the index to the Dutch Records of Colombo, as well as translations of the Memoirs of Governor Schreuder, van Gollonnesse, Falck, and Van Goens, the originals of all of which have disappeared from the Archives.

Clearly the collections is of value, and should be secured for the country, but there is no organisation in existence with funds available for the purpose. It is hardly reasonable to wait for the chance of a private student being found with the necessary means. Should not a portion of the annual Museum vote earmarked for the purpose ? Yours, &c.

P.E.P.

of New Haven
Washington
Counties
a Stephen
of the Cyclo
Nassau
by Nero
Nero Co
Pius
to 35
Leavitt
Lord
Co
186 Brainerd

Batley Wood (Sic)
Nov 18 - 1818

My dear Sir,

Nothing but my conviction of the number of your avocations views, and my respect for the importance of every moment of your time, would have held back my willing hand from returning you my thanks for your most obliging letter. I am much gratified with your acceptance of the slight and hasty rhymes I had the imprudence to send you a few hours after you left us without taking time to hammer them into a little better form. I consider it no small distinction to have become Poet Laureate to the Cyngalese Slaves, in whose welfare ,since your very important and interesting communications, I have taken a very lively interest. You have my cordial prayers for your success in your earnest endeavours to civilize and Christianize these partitions of our common humanity and for having restored them to the natural privileges of men, and to the special privileges of Christians. It is a great work which He who made all men of one blood will bless and reward.

It was with singular pleasure I read the inclosed scrap which I have cut out of a Boston News Paper, sent me by one of my American correspondents. It is delightful to observe the harmony and agreement which unite real Christian in every part of the Globe in the one grand principle of promoting and extending religious knowledge. It seems to annihilate space and to reduce the world into one great family, while I peruse in England a report from America on the progress of good works in Ceylon, and to exite mutual sympathies between the reader,the writer and the dooers of such works.

I shall be much obliged to have any of my little Tracts introduced to my Cyngelese Friends. The Princess Metschersky has translated herself many of them into Russian and the people take to them very cordially which I did not expect.

But the cause of my present intrusion of your time, Sir, was not for the above purposes, so much as to take the liberty to enquire after Lady Johnstone's health. When we had the honour of your company here, you were hurrying back to wait the result of a consultation. It would be a real satisfaction to me to be assured she was in an improving state. Her Ladyship flatters me

contd.

most agreeably by recollecting me. It has strongly brought back to my mind the brilliant society of Field Marshal Conway's house,especially of his and my very attached and accomplished friend Lord Oxford. Tho I have not the honour to be known to Lady Johnston, I have a perfect rememberance of Miss Campbell. I shall hope to be one day presented to her in the former character. I beg also to offer my best regards to the younger parts of your family. I have the honour to remain my dear Sir

Your very obliged and faithful

H. More

My health is still very poorly.

The Twelfth of August or the Feast of Freedom.
Scene Ceylon.

Sabat, Dumal, Cingalese.

The three first stanzas are sung

Dumal

Let's be merry, sing and play
This is Freedom's holiday.

Sabat

Bless the day that sets us free !
Hail the morn of Liberty !
Our children's children still shall meet.
Fair Freedom's birth to celebrate.

Dumal

Spread the blessing far and wide;
Care and thought be laid aside
Let us drink rejoice and sing,
Till with our mirth the vallies ring.

Chorus

Let's be merry sing and play,
This is Freedom's holiday. Song ends

Sabat

But in our joyful sports begin,
Aright of Freedom think;
Tis not a liberty to sin,
or liberty to drink.

Dumal

Yes, let us hail the Cocoa Tree
And all the joys it gives;
To laugh and drink is to be free,
The thought my heart revives.

Sabat

O let us not the gift abuse,
Nor thank the sowers amiss;
Our freedom rightly let us use,
Intemperance is not bliss.

Our groves of Cinnamon we prized
No Island such possess,
They send their fragrance to the skies,
Their sweats our labours bless
Yet there is a pride of nobler and

Yet there is a balm of nobler end
Our spirits to recruit
England, fair Freedom's choicest friend
Conveys the sacred fruit,

One tree of sovereign virtue grows,
All other trees excelling;
This Tree all joy and peace bestows
Wherein it makes its dwelling,

Its root is deep, its branches wide,
A Tree to make one wiseer
Beneath its shelter sinners hide,
Its head is in the skies.

There is a book contains the leaves
Might heal a dying nation;
This book who faithfully receives
Secures his own salvation.

Dumal

O give us thou this friendly Tree
This healing Bookproduce,
So shall we give all praise to thee,
If thou wilt show their use,

Sabat

Not that rich joined our Cocoa lends
Such sober joy imparts;
That many a life untimely ends,
This heals the broken hearts.

Dumal

With riddles puzzle us no more,
But tell us what you mean;
What is that Tree, what is that Book,
Which you I trust have seen ?

Sabat

Your tree's sweet juice drunk to excess
Produces hate and strife;
That Tree which more than all can bless,
Is called the Tree of life.

The Cocoa's juice distracts the brain,
You crave it o'er and o'er,
But who this Tree's fair fruit obtain,
Shall thirst my friends, no more.

Sabat holding out a Bible

This is the boon which England sends,
It breaks the chains of sin,
O blest exchange for fragrant groves !
O barter most divine !

If yields a trade of noblest gain
Which other trades many miss,
A few short yours of care and pain
For endless perfect bliss.

This shows our freedom how to use
To love our daily labour,
Forbids our time of sloth to lose
Or not with our neighbour.

Then let our masters gladly find
A freeman works the faster;
Who serves his God with heart and mind,
Will better serve his masters,
When soul and body both are free
How swift will pass the days
The sun our cheerful work shall see
The night our prayer and praise.

Chorus of Cingalese.

Oh give us Sabat's precious Tree
We join with one accord;
We'll show that we indeed can give
Because we serve the Lord

O give us Sabat's holy Book,
With transport we will read
These we shall see whenever we look,
The Freeman's free indeed !

Sabat
The twelfth of August then shall be
By us forgotten never !
From this blest period we are free
For ever and for ever !

Chorus
Bless the day that sets us free !
Hail the Morn at liberty !

DECISION.

Two days later, Governor North wrote the following letter to the judges:

" To My Lords,
The Chief and Puisne Justices of the Supreme Court.

" My Lords .... In addition to the various inconveniences which must attend your Lordships' permanent residence in the crowded garrison, I have the honour to inform you that I expect in a very short time the arrival of a regiment of Negroes from the West Indies, whose habits of life are so little known, and probably to little analogous to that of the natives of this island, that it is equally desirable for the department over which you so worthily preside, as for their own discipline, for their own discipline, that they should be quartered within the Fort.

"And as the Government House which I have offered for that purpose cannot be rendered habitable, I am compelled to request your Lordships to give up the buildings you now occupy as soon as you can conveniently remove.

"In fixing your new residence within the Fort, Your Lordships may be assured that I shall be happy to comply with your wishes and to approve the high esteem with which I have the honour to be, my Lords.

Your Lordships' Most Obedient faithful Servant.

(Sgd.) Frederic North "

Colombo, 26th September, 1804.

The judges wrote a lengthy reply protesting against the removal of the High Court from the official and commercial centres and even stated they thought the real reason for the proposed move was their resistance to the arrogant and illegal pretensions of the military.

WHERE NEXT ?

The governor from his residence at San Sebastian replied at length and informed the judges he had purchased for their use "the spacious and airy house of Mr.Bertolacci, with a sufficient demesne around it." "Iam perfectly satisfied", he wrote, "that removal to it will neither be derogatory to your dignity, obstructive to your authority, nor in any manner inconvenient to the people whose rights are entrusted to your care."

Within a short time,the Supreme Court was shifted to Hulftsdorp and has remained there since. And so,while there is again a move to shift it to Bambalapitiya, one is legitimately tempted to ask: "From Bambalapitiya, where next ?"

THERE WAS A COURTS 'BATTLE OF THE SITES' 150 YEARS AGO

BY Kenneth J. Somanader.

The Times of Ceylon
Sunday Illustrated
August 10, 1952.

HISTORY repeats itself. This is especially true of the Colombo Supreme Court which, even at its inception , was the subject of a controversy not unlike the one which has arisen to-day.

Few people are aware that the Court was first located in the Fort, in a room which is today a part of the Senate House, and fewer still are aware of the causes which led to the change of sight. Yet the story is of more than antiquarian interest, for it is a story of the signal triumph of the myrmidons of the law over executive influence and arrogant military claims.

BY CHARTER

The Supreme Court of Judicature in Ceylon was established by Charter in 1801, shortly after the British occupation of the Island. It is thus just over 150 years old. In Gordon Gardens, stood the old Dutch church, while the present St. Peter's Church was Government House. The Church was destroyed during the siege, and the grounds were used for parades by the military.

Executions took place there, usually in the presence of a large number of spectators.

"The ponderous scaffold was hung over in black with companies of soldiers surrounding it and the members of the Court in their full robes were not far away to witness the scene and sign a certificate, which had to be enrolled, of the prisoner having undergone the fatal sentence."

Corporal punishment, too, was inflicted, especially in cases of contempt of court, the culprit being marched off to the grounds from the Hall of Justice (the Dutch "Hoff von Justitiae") under the orders of the presiding judge, and the prescribed number of lashes given.

The military authorities, however, regarded the grounds as essentially theirs, and thought they had authority to shut out anyone they pleased from the premises. If they had merely thought so, no one would have bothered. But one day, in September, 1804, a man by the name of Vary Aroomagan (Arumugam) was lashed there on the orders of the Chief Justice (Sir Codrington Edmund Carringt and the sentry arrested one of the fiscal lascoreens.

The following day, the Fiscal, Frederick Baron Mylins, receive the following letter from Captain Alexander Barry, the Town Major of Colombo.

contd.

"My dear Baron, - I do not know if I am not correct in reporting it to you, but the Commandant wishes it to be understood that no civil prisoner is to be flogged on the Garrison Parade."

The Fiscal reported the matter to the Chief Justice, who demanded an explanation of the Town Major. The Major appeared in Court, and deposed he had acted on the orders of the Commandant, Col. Charles Baillie (after whom, by the way, a street in the Fort is named), who in turn deposed that the ground was given to General Macdowall by the Governor.

Now the tussle began. The Supreme Court called upon Col. Baillie to withdraw the order. This he refused to do and he was charged with and found guilty of contempt of court, and bound over to keep the peace for six months.

The Governor, Sir Frederic North, supported the judiciary. Before the recognizances were signed, he countermanded the order of the Town Major and ordered that the military sentries be removed. The Governor in Council, however, followed this up by a proclamation prohibiting the infliction of corporal punishment on nayone other than military cases on the grounds, and prohibiting also any person entering the Fort without the express authority of the Commandant.

THE STRUGGLE

The Judges then wrote to the Governor thanking him for countermanding the illegal order. But, they added, the claim on the right of the part of the Commandant to exempt by his order any piece of ground from the jurisdiction of civil authority, and the preservation of that claim, compelled the Judges to assert and support the powers vested in them by His Majesty.

The military authorities, however like good soldiers, were determined to continue the struggle. They went to the extent of preventing the Puisne Justice, Edmund Henry Lushington, and some of the officers of the court from entering the Fort and had the bridge at the main gate raised and the gate shut, in accordance with an order issued by the Commandant on September 24th, 1804.

The Chief Justice used to come in through a gate at the Galle Face end. But he heard of the indignity offered to his colleague and sent his Registrar, Mr. Rose, to Col. Ballie to demand by what authority the gate was shut. Mr. Rose proceeded forthwith but it was reported that the Colonel was not at home. The registrar then went to the Delft gate leading to the residence of the Governor at San Sebastian, but the sentry stopped him on the orders, he said, of Col. Baillie.

contd.

This was too much for the Chief Justice to bear. He forthwith issued a mandate to Col.Baillie to appear. Meanwhile, the Governor heard of these happenings and himself proceeded with his staff to the spot, opened the gate and took possession of the keys.

Col. Baillie appeared in response to the mandate, and produced a letter from General Wemyss and General Mowbray to support the authority under which he had acted. The Court then proceeded to issue a mandate to General Wemyss to appear on September 29th to answer for his conduct and to be dealt with according to law.

But on September 28th Sir Alexander Johnstone,the Advocate-Fiscal (Attorney General) appeared before the Supreme Court and produced a letter from Governor North stating that it was absolutely necessary that General Wemyss should remain at Negombo, the military headquarters, to direct the campaign then proceeding, and asked that the action be stayed till October 15th. The request was refused and another mandate issued commanding General Wemyss peremptorily to appear on October 3rd.

INTIMIDATION ?

The parade ground was filled with soldiers and the court surrendered by the officers of the garrison, when General Wemyss appeared. There was some loud and excited talk among the officers, and the Chief Justice inquired of the General what was meant by such an unusual assemblage. He added that if it was intended to intimade the judges, not all the guns of the garrison levelled at them would have that effect.

The general assured the court that was not intended and the judge then directed the court crier to proclaim the order that no one was allowed to remain in the court premises with their swords or bayonets. The order was immediately and strictly enforced, even in the case of general and his suite.

General Wemyss then produced his commissions as Lieutenant-Governor and Commander of the Forces; and, admitting that he had issued the order justified it on the ground that there were spies lurking in the Fort.The general was eventually found guilty of contempt and ordered to enter into a bond to keep the peace and be of good behaviour for one year and to appear to any libel that may be filed against him by the Advocate-Fiscal.

Wemyss protested strongly against these orders, but was told by the Chief Justice that unless he entered into a bond for Rs.10,000 the judges would order Fiscal to take him into custody. until he complied with the order. The general had no choice; he entered into and acknowledged the recognizance, and was then discharged.

contd.

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A YOUTH MOVEMENT IN THE EIGHTIES

F.H.M.Corbet, the Friend of Ceylon.

By W.A.de Silva

Ceylon Daily News 19.5.33

The road leading to freedom in Ceylon was built by many men and each one contributed his share in an unmistakable manner.

In the late eightees F.H.M.Corbet became the Secretary of the ColomboMuseum. He was quite young at the time and had a reputation of being a very kindly disposed and loveable young man. Corbet's father was a planter in Ceylon and had been for many years the Planting Member of the Legislative Council. The Coffee crisis in 1879 affected all planters. Young Corbet and his mother came and lived in Colombo after his father's death. Corbet undoubtedly inherited his mild and kindly disposition from his parents to which he added something of his own.

Who would have failed to notice in the late eighties a carriage driven in Colombo with a horse wearing a large pith hat ? It was a unique sight and did more to impress on the minds of the young the principles of kindness to animals than a dozen S.P.C.As with their monthly records of hundreds of prosecutions in cruelty cases.

This horse belonged to Mrs. Corbet and she showed her kind impulses in a practical manner, for a horse that draws a carriage would feel the heat of the sun as much as any person working in the sun.

ALWAYS ACTIVE

Corbet was always active. He gathered round him a band of young men. He encouraged them to work and to aspire to better things. Among others, Professor Wickremasinghe, the late Gerard A. Joseph and George Prins came under his influence and rose to important positions. He improved the Museum Reading Room. He invited young students to make use of the Library. He had the Library opened late in the evening and on holidays and Sundays. He encouraged Buddhist Bhikkus to make use of the ola MSS in the Library. An increasing number of Bhikkus took advantage of the opportunities afforded to them. Some of the young Bhikkus who were pupils at the Vidyodaya College at the time and who distinguished themselves as scholars in later life made good use of the library.

THE COLOMBO LITERARY ASSOCIATION.

Corbet was largely instrumental in founding the Colombo Literary Association about the year 1891. The Colombo Literary Association gathered together most of the promising young men at the time, Dr. W.G.Van Dort became its President, Rev. Dr.G.B. Ekanayake was the Secretary. There were many young men who took an active part in the proceedings of the Society. The Van Langanberge, Bawa, C.M.Fernando are some of the names of those who are

contd

now no more. Dr. Andreas Neil was a devoted member and his silvery voice was much admired; he was as strong in his criticisms and activities forty years ago as he is today. C. Driberg was another who was active in the Association; he read several papers before the Association and his contributions were looked forward to with interest. He was besides the host of the Association as most of the meetings were held at the old School of Agriculture of which he was Principal, Rev. Dr. G. B. Ekanayake is a young today as he was then. He had a way about him which emabled him to keep every one in good humour and he was able to keep himself gay and serious all at the same time with a wink of his laughing eyes, a nod of his sedate head and his sometimes strident and penetrating voice.

THE PRESIDENT

The President, the late Dr. W. G. Van Dort, was stern and serious, Literature to him was not a matter for levity as most of the members took it to be behind his back. Dr. Van Dort was most thorough in whatever he undertook to do. He took his office seriously. He gave one or two presidential addresses which were marvels of serious study and deserve to be reprinted even today, when literature is supposed to consist of tit bits and tittle and tattle of the life and ways and idiosyncracies of eccentrics and those who pretend to be eccentrics. The President prepared a syllabus of studies so that members may pursue some branch of literary or philosophic history. The syllabus no doubt did good in its own way, but the young men of the Association, like all young men, did not consider that it was meant seriously that they should follow a second University course or hang themselves to a tutor.

Corbet left for England about this time and he left behind a present of two fine table lamps for the use of the Society, Even these lamps were not able to keep the light of the literary genius of that time burning very long.

CEYLON "AGENT-GENERAL"

Corbet was called to the Bar in England and he set up in practice there. He became the unofficial "Agent-General" and "Ambassador" in London to people from Ceylon.

Year in and year out Corbet was the sun in London to which all and sundry from Ceylon went to get help, encouragement and advice. It is a wonder how he found the time to respond to the demands made on him. His Chambers were practically the Ceylon House. Students went to him for advice, for instruction for help in entering Universities and for letters of introduction. He received every one of them . He made them feel at home. He

contd.

cheered them up when they were faced with disappointment. He helped them to solve their difficulties by taking their burdens on himself. He was always successful in attracting their confidence One wonders whether he kept a Ceylon Diary; if so it should make very pleasant and interesting reading. Mrs. Corbet joined him in all his activities and encouraged him in his love for Ceylon and the people of Ceylon. She shared his burden in the dispensing of that goodwill and kindness that was so valued by all. Later in life Corbet was appointed Advocate-General of Madras where he remained for a few years and returned to England owing to poor healt health.

(Corbet's two vwry promising sons died in the War and he himself died shortly afterwards).

. . . .

Hulftsdorp, jealous of his traditions, has fought many a "battle" with Government and Governors in its 145 - year-old history. The General Council of Advocates last week passed a resolution protesting against the proposed removal of the Supreme Court from Hulftsdorp.

Ceylon Observer 3.7.49

FIERCE BATTLES TO PROTECT HULFTSDORP TRADITIONS

When General Gerard Hulft felt dead in 1656 to a well-aimed musket shot from the Portuguese positions at the foot of Hulftsdorp hill, it was quite in the tradition of this famous quarter of Colombo, then known as Hulfts "dorp" (village or camp) - a courageous death. He fell when he was inspecting the siege works, a as a Portuguese chronicle said, "because there was no fray in which he did not take part, nor any work at which he was not present, but was ever first in danger."

Since then Hulftsdorp, now a lawyers' strong hold, has built up a tradition of courage and integrity.

The fighting qualities of the Dutch general sparkled in the wit and fire of his descendants, the Burgher lawyers, who practicall dominated Hulftsdorp at one time and fought tooth and nail to preserve its traditions.

. . . .

BATTLED WITH A GOVERNOR

THEY even battled with a British Governor, Sir Arthur Gordon Mr. J. R. Weinman puts it aptly: "Sir Arthur Gordon hated Hultsdorp with a more abiding hate than Hulftsdorp hated him. There was a standingfeud between the two, and the vendetta was carried on for the full length of his stay in the Island.

> Hulftsdorp was united and overful, and was more than a match for Governor Gordon, who was defeated all along, but he held the belief trumps up his sleeve and put it down when everything else failed.

It happened this way. The Burgher seat in the Legislative Council was usually filled by a distinguished lawyer of Hulftsdorp.

Among them could be counted Sir Richard Mogan, (who, it is said, "shaped the whisper of Queen's House"), Charles Ambrose Lorenz J. A. Martensz, C.L. Ferdinands and James van Langenberg.

On Mr. Van Langenberg's death the Burgher lawyers of Hulftsdorp in keeping with practice, put forward their candidate. But Sir Arthur Gordon had a score to settle with Hulftsdorp.

> All his unconstitutional acts and violations of the elementary principles of justice were rightly opposed by the men of Hulftsdorp. He was piqued and annoyed. It shall not be a Hulftsdorp man this time.

contd.

So he chose an old and deaf personality who had retired to Galle for a quiet rest and who had eschewed "politics" -though, of course, he was the most brilliant surgeon Ceylon had produced. Dr. Anthonisz, retired Colonial Surgeon, was forced into office, just to satisfy a Governor's spite.

H.L.Wendt resumed Hulftsdorp representation in the Council, after Sir Arthur had left the Island, to be followed by F.C.Loos, Sir Hector Van Cuylenburg and Charles Vanderwall.

Sir Arthur also had a feud with the then Chief Justice,Sir Bruce Burnside, but this, according to Burnside was due to the Clan Gordon and the Clan Burnside being hereditary enemies in Scotland.

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QUARREL WITH THE MILITARY

Another battle "Hulftsdorp" (as we could call that community of lawyers) had was with the Military. This resulted in the Supreme Court being shifted from the Fort to Hulftsdorp in 1804. As such it is interesting.

Two drunken soldiers were hauled up before the Sitting Magistrate.Colombo, and were sentenced to corporal punishment. The Commandant, provoked by this, abused the magistrate. He was charged with contempt of court, but was acquitted.

Feeling ran high. The Supreme Court then provoked the Military. A prevaricating witness was given a public wipping on the Fort Green (now Gordon Gardens). The Military questioned the authority of the Supreme Court in carrying out its sentences on Military property. A series of arrests, counter-arrests, proclamations etc,etc, followed.

> Matters were brought to a head when the Puisne Justice, driving to his chambers in the Fort had the Fort Gate shut in his face on the orders of Major-General Wemyss. Governor North had to go in person to open the gates.

Major-General Wemyss subpoenaed and entered into a recognizance in 1000,000 rix-dollars. There was one further brush,and then finally the combatants were separated for the sake of peace.Thus the Supreme Court went to Hulftsdorp.

. . . .

CHEQUERED HISTORY. If the Supreme Court is shifted to Hulftsdorp retain its traditions ?

From a general's encampment to a Govenor's country estate - "shut up by thickets of jak and jamboo trees ,which deprived it of the benefit of the sea-breeze" - and then to a judicial centre, Hulftsdorp has had a chequered history. In the last century and half,it has built up a tradition.

If the Supreme Court is removed elsewhere,will the name, "Hulftsdorp",be just a name only.?

M. M. T.

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Ceylon Observer 3.7.49

FIERCE BATTLES TO PROTECT HULFTSDORP TRADITIONS

When General Gerard Hulft felt dead in 1656 to a well-aimed musket shot from the Portuguese positions at the foot of Hulftsdorp hill, it was quite in the tradition of this famous quarter of Colombo, then known as Hulfts "dorp" (village or camp) - a courageous death. He fell when he was inspecting the siege works, as as a Portuguese chronicle said, "because there was no fray in which he did not take part, nor any work at which he was not present, but was ever first in danger."

Since then Hulftsdorp, now a lawyers strong hold, has built up a tradition of courage and integrity.

The fighting qualities of the Dutch general sparkled in the wit and fire of his descendants, the Burgher lawyers, who practically dominated Hulftsdorp at one time and fought tooth and nail to preserve its traditions.

. . . .

BATTLED WITH A GOVERNOR

THEY even battled with a British Governor, Sir Arthur Gordon Mr. J. R. Weinman puts it aptly: "Sir Arthur Gordon hated Hultsdorp with a more abiding hate than Hulftsdorp hated him. There was a standingfeud between the two, and the vendetta was carried on for the full length of his stay in the Island.

> Hulftsdorp was united and overful, and was more than a match for Governor Gordon, who was defeated all along, but he held the belief trumps up his sleeve and put it down when everything else failed.

It happened this way. The Burgher seat in the Legislative Council was usually filled by a distinguished lawyer of Hulftsdorp.

Among them could be counted Sir Richard Mogan, (who, it is said, "shaped the whisper of Queen's House"), Charles Ambrose Lorenz J. A. Martensz, C. L. Ferdinands and James van Langenberg.

On Mr. Van Langenberg's death the Burgher lawyers of Hulftsdorp in keeping with practice, put forward their candidate. But Sir Arthur Gordon had a score to settle with Hulftsdorp.

> All his unconstitutional acts and violations of the elementary principles of justice were rightly opposed by the men of Hulftsdorp. He was piqued and annoyed. It shall not be a Hulftsdorp man this time.

contd.

So he chose an old and deaf personality who had retired to Galle for a quiet rest and who had eschewed "politics" -though, of course, he was the most brilliant surgeon Ceylon had produced. Dr. Anthonisz, retired Colonial Surgeon, was forced into office, just to satisfy a Governor's spite.

H.L.Wendt resumed Hulftsdorp representation in the Council, after Sir Arthur had left the Island, to be followed by F.C.Loos, Sir Hector Van Cuylenburg and Charles Vanderwall.

Sir Arthur also had a feud with the then Chief Justice,Sir Bruce Burnside, but this, according to Burnside was due to the Clan Gordon and the Clan Burnside being hereditary enemies in Scotland.

. . . .

QUARREL WITH THE MILITARY

Another battle "Hulftsdorp" (as we could call that community of lawyers) had was with the Military. This resulted in the Supreme Court being shifted from the Fort to Hulftsdorp in 1804. As such it is interesting.

Two drunken soldiers were hauled up before the Sitting Magistrate.Colombo, and were sentenced to corporal punishment. The Commandant, provoked by this, abused the magistrate. He was charged with contempt of court, but was acquitted.

Feeling ran high. The Supreme Court then provoked the Military. A prevaricating witness was given a public wipping on the Fort Green (now Gordon Gardens). The Military questioned the authority of the Supreme Court in carrying out its sentences on Military property. A series of arrests, counter-arrests, proclamations etc,etc, followed.

> Matters were brought to a head when the Puisne Justice, driving to his chambers in the Fort had the Fort Gate shut in his face on the orders of Major-General Wemyss. Governor North had to go in person to open the gates.

Major-General Wemyss subpoenaed and entered into a recognizance in 1000,000 rix-dollars. There was one further brush,and the finally the combatants were separated for the sake of peace.Thus the Supreme Court went to Hulftsdorp.

. . . .

CHEQUERED HISTORY. If the Supreme Court is shifted to Hulftsdorp retain its traditions ?

From a general's encampment to a Govenor's country estate - "shut up by thickets of jak and jamboo trees ,which deprived it of the benefit of the sea-breeze" - and then to a judicial centr Hulftsdorp has had a chequered history. In the last century and half,it has built up a tradition.

If the Supreme Court is removed elsewhere,will the name, "Hulftsdorp",be just a name only.?

M. M. T.

The Supreme Court Site And

AN INDEPENDENT JUDICIARY

A HISTORIC DISPUTE OF DUTCH TIMES

By "Vetus"

(The current dispute about the site of the Supreme Court brings to mind an episode in its early history, some three years after it was first established. The accompanying account of this episode is reprinted from "The Ceylon Law Recorder" of 1923. If focuses attention upon the basic principle of an independent judiciary able to hold its own against the Executive.

It also explains how the Supreme Court came to be situated in Hulftsdorp today. For two days after the incident which we relate "the Governor informed the Judges that he intended to remove the Court House from the Fort to its present site"; and despite the protests of the Chief Justice and other Judges this intention was duly carried out.

" Many years later," concludes Vetus, "Sir John Bonser wanted the Court removed to the Fort, but without entering into the question whether it was desirable or not, it was pointed out that even if funds were available, there was no room there for the necessary buildings, and nothing was heard on the subject. There was also the absurd proposal by a later Chief Justice to have the Appeal Court at Kandy or Nuwara Eliya but nobody entertained the idea seriously.")

.....

The Hoff Van Justitie of the Dutch times was held in the room in which the Legislative Council now sits and criminals were lashed or hanged in the parade ground over the road now known as the Gordon Gardens. An execution was a solemn affair in those days. The scaffold was draped in black with companies of soldiers surrounding it, in the presence of the Judges of the Court who had to sign a certificate, which had to be duly enrolled, of the prisoner having undergone the death sentence. The Supreme Court established by the Charter of 1801 continued its sittings in the same old chamber and its punishment was inflicted in the same old parade ground. The military, however, claimed the grounds as theirs for their exclusive use.

Somewhere in 1804 after a prisoner had been subjected to corporal punishment on this Parade Grounds the Town Major Captain Alexander Barry wrote to the Fiscal, Frederick, Baron Mylius, the following letter :-

contd.

MY DEAR BARON,

I do not know if I am correct in reporting it to you but the Commander wishes it to be understood that no civil prisoner is to be flogged on the Garrison Parade against which practice an order has, I believe long been issued.

Believe me,
My dear Baron,
Very Sincerely yours,

A. BARRY
Town Major.

.....

The Fiscal was informed by the Town Major that if any attempt was made to inflict any punishment on the Parade Ground the Military authorities would prevent it. The Court thereupon issued a summons to the Town Major to appear before it and "answer for his conduct". Captain Barry appeared and deposed that he acted under the orders of the Commandant, Colonel Charles Baillie, whose direction to the sentries was that the gates of the Parade should be locked, and that no person except a Military man should be allowed to go on that parade. Colonel Baillie was then summoned to appear forthwith "to answer to the matter stated against him and to be dealt with according to Law." Colonel Baillie appeared and stated that the ground was given by the Governor to General Macdowall for the purpose of Military parade, and others were given that no person but the military should be allowed access to it and that he closed the gates to prevent punishment decreed by the Supreme Court being inflicted there and he would carry out the orders of his superior officers.

The Supreme Court directed Colonel Baillie to withdraw the Order and on his refusing to do so, he was ordered to enter into recognizance to keep the peace and be of good behaviour, himself in 50,000 Rix dollars and his two sureties each in 20,000 for six months, and he was given time till the following morning to produce his securities.

.....

On the following morning, however, Governor North wrote to the Chief Justice that he had cancelled the order. The Military resented the interference of the Governor, and General Wemyss, the Commander of the Forces, ordered the main gate (a part of which near the Fort Police Station still stands) to be closed and the drawbridge raised.

The Chief Justice who lived at Colpetty drove in by the Galle Face Gate and took his seat on the Bench, but the Puisne Judge, Justice Lushington, who lived at San Sebastian was held up. The Chief Justice hearing of this directed the Registrar

contd.

to proceed to Colonel Baillie's house and enquire of him whether any order was given to prevent any person from entering the Fort, and if so, by whom. Colonel Baillie was reported not to be found. The Registrar then proceeded to the Delft Gate leading to the residence of the Governor but was stopped by the sentry who informed him that he could not pass. The Governor meanwhile proceeded to the spot had the gate opened and took possession of the keys.

Colonel Baillie duly appeared to the mandate from the Supreme Court and put in a letter received by him from General Wemyss and another from the Adjutant-General of the Forces under authority of which he acted.

A mandate was then issued to General Wemyss to appear on the 29th of September to answer for his conduct and a subpoena was issued to the Adjutant-General. On the returnable day of the mandate Sir Alexander Johnston then Advocate-Fiscal, delivered into Court a letter sent to him that day by the Governor stating that it was of the utmost importance that General Wemyss should remain at Headquarters during the then campaign and requested the Advocate-Fiscal to move the Court to defer his appearance till the 15th of October.

The Court, however, made order commanding the General to appear on the 3rd of October. On the 1st of October the Advocate-General under instructions from the Governor moved for a Commission to take the affidavit of the General at Negombo as his presence at Colombo on the 3rd "would be detrimental to the service." The Court disposed of the matter by curtly declaring "that the Advocate-Fiscal do take nothing by his motion."

.....

On the 5th of October the Court met and General Wemyss the Commander of the Forces and Lieutenant-Governor of the Island appeared in Court to answer for his conduct. He was surrounded by the officers of the garrison and the grounds about the Court buildings and the parade ground were fille with officers and soldier. The Chief Justice inquired of the General what was meant by so unusual an assemblage, adding that if it was intended to intimidate the Judges not all the guns of the garrison levelled at their Lordships would have that effect. The crier of the Court was directed to proclaim the order that no one was to remain in the Court premises with their swords or bayonets and the order was enforced even in the case of the General and his suite. They retired and came back without their sidearms.

contd.

The General admitted that the orders were given by him and he was thereupon ordered to enter into recognizance to keep the peace and be of good behaviour for one year and to appear to any libel that should be allowed against him and signed by the Advocate-Fiscal The General vehemently protested against the order but the Chief Justice informed him that it would be the duty of the Court to enforce the order by charging the Fiscal upon a committal to take his body in custody until he should comply with the order requiring such recognizance which was fixed at 100,000 Rix dollars. The General in the end relented and complied with the order and entered into the recognizance. Presumably the Advocate Fiscal did not view with favour the attitude of the General and presumably too the General was somewhat free with his tongue, and they swore terribly in those days, and the General alleged that he received a challenge from Alexander Johnston to fight a dual with him. The General appealed to the Supreme Court and prayed that Johnstone might be bound over in surety to keep the peace. The Court enquired into the matter and found that no challenge was sent and there was no sufficient cause why the said Alexander Johnston should be bound by recognizance to keep the peace.

CASTE COURT SITS AFTER SIX YEARS

By W. CHANDRESEKERA

Times of Ceylon 6.8.50

The maintenance of racial purity and caste dignity and averting "kula pali" or castestigma is the goal of the "Variga" system in the Vanni.

The "samoothy" or court of the warigakarayas (caste members) is held periodically to dispense justice; and one such court of the "hengolla," or dhoby caste was held after an interval of six years at Ratmallakande, a few miles from Kekirawa.

The President of the Court, Dingiriya Lanka Vidane Pediya of Mahadiulwewa, Matombuva Korale, North Central Province, looked very impressive in his traditional costume of authority consisting of "thuppottiya" or ten-yard length of white Calico, "kavaniya" or broad waistband red hat, coloured kerchief, and long walking stick. As he stepped inside the cool, long, narrow hall all covered with white cloth, forty elders representing eighteen villages of the "hengolla" caste stood up as a mark of respect. The President walked to the end of the hall, disrobed himself the dress being too hot for working purposes, placed the insignia of authority on a chair, and sat cross-legged on a mat spread on the floor.

The "samoothy" had six cases to decide. The "variga" system handed down from feudal times, has preserved a way of life in the Vanni where each jungle village or hamlet belongs to a particular caste. Education, irrespective of caste, has been the strongest factor in broadcasting mental horizons and breaking down caste barriers. Its leavening effect had made but little impression on the Vanni farmer, more conservative, than his counterpart elsewhere in the Island, and he still clings to his mode of life.

It is forbidden by the "Variga" law for a man of the "hengolla caste to marry a woman of the dura, kara, oli, pali, hangaran, or berawa caste, A man having so married, may not only be ostracise himself, but have his whole family similarly mulcted. However, should the delinquent decide to repent and rejoin his caste, a "soliya" or a fine of so many "ridikasi" (silver) is imposed on him. The "soliya" may amount to anything from ten to one thousand "ridi kasi" according to the crime. Once the fine is paid, the past is forgotten. But a woman cannot rejoin the caste in any circumstances.

It is well to remember that the "variga" system can give rise to instances of grave social evil. It is frequent occurence in the Vanni that most marriages are not registered even as Kandyan marriages. Using a family "storm" as a smoke-screen a "Varigakaraya

contd.

CASTE COURT SEAT FIFTH SIX YEARS

IV - [illegible]

Times of Peking 6.6.50

[illegible] punishment or special punishment and cases [illegible] "[illegible]" system in the Yanan.

The "[illegible]" or court of [illegible] (cadre members) is held periodically to discuss justice, and are seen cases of the "[illegible]," or [illegible] case. [illegible] by [illegible] of six years as [illegible], [illegible] from [illegible].

The President of the Court, Hsieh Ying Lung Ahang [illegible] Municipal [illegible], Mayombwe Lorle, North Central Province, [illegible] very impressive in the traditional costume of authority consisting of "[illegible]" or ten-yard length of white [illegible], "[illegible]" or broad white red [illegible], colourful [illegible], and long [illegible] [illegible] stripped-thrite the cost, long, [illegible] all covered with white [illegible], long [illegible] representing eighteen villages of the "[illegible]" [illegible] up [illegible] or [illegible]. The [illegible] [illegible] to the [illegible] [illegible], [illegible] [illegible] of the [illegible] being too [illegible] for [illegible] purposes, [illegible] [illegible] of authority on a chair, and [illegible] [illegible] on the floor.

The "[illegible]" and six [illegible] [illegible]. The "[illegible]" system [illegible] from [illegible] [illegible]. [illegible] preserved a [illegible] of life in the [illegible] where such [illegible] villages [illegible] [illegible] to a [illegible] [illegible], irrespective of [illegible], has been the [illegible] [illegible] in the [illegible] [illegible] [illegible] and [illegible] down [illegible] [illegible]. [illegible] [illegible] [illegible] has made but little [illegible] on the [illegible] [illegible] conservative, [illegible] [illegible] [illegible] in the [illegible], [illegible] still [illegible] to [illegible] [illegible] [illegible].

It is forbidden by the "[illegible]" law for a man of the "[illegible]" [illegible] to marry a woman of the [illegible], [illegible], [illegible], [illegible] or [illegible] [illegible]. A man [illegible] [illegible] marriage, but not only [illegible] [illegible], but [illegible] [illegible] [illegible] [illegible]. However, [illegible] the [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] "[illegible]" [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

may desert his wife and children to rejoin his caste and seek its protection. This is a matter calling for urgent remedy as Vanni women by nature are reluctant to air their grievances in a court of law.

It will be of interest to cite one of the six cases that came up for hearing at the "samoothy".

A "hengolla" man married a dura woman, and had two children. The parents and the younger child having died the surviving girl married a "hengolla" youth. When ostracism followed, some of the "Varigakarayas" of the village continued to eat and drink with the delinquent family without any inerruption in social intercourse. Seeing this , the others not only took great offence but duly reported the matter to the "gam pediya" and the "gammahe" of the village.

At the trial sentence was passed imposing "soliya" of varying amounts on the accused who had suffered with the ostracised family. After the fine was paid they were allowed to rejoin the caste,all except the delinquent couple who were completely ostracised.

Of the fine money, a third is paid to the korala of the korale in which the "samoothy" is held; and the remainder is divided among the prosecuting "varigakarayas".

Lensua Vidane Pediya who is designated as Petta Vidane Pediya of Ratmallakande in whose house the "samoothy" was held, gave a reception to a party of 150 "Varigakarayas" at the conclusion of the "samoothy".

CENTENARY OF THE SUPREME COURT

THE JUDICIARY IN CEYLON

II. THE JANDYAN CONVENTION AND AFTER

By R.F.DIAS, M.A., L.L.M. (cantab)

CDN. 14.1.33

Up to the year 1815 the British rule in Ceylon was confined to the maritime provinces. In that year the ancient Kandyan kingdom came under British rule and the Kandyan Convention was signed. By clause 8 of the Convention it was provided that "subject to these conditions, the administration of civil and criminal jurisdiction and police over the Kandyan inhabitants of the said provinces is to be exercised according to the established forms, and by the ordinary authorities saving always the inherent right of government to redress grievances and reform abuses in all instances whatever, particular or general, where such interposition shall become necessary." With regard to the non-kandyan inhabitants of the Kandyan provinces the manner of administering justice was laid down by the Convention. The British law Officers in England, however, gave it as their opinion that "the Supreme Court as at present established in Ceylon could not try offences in the Kandyan Provinces till they were annexed or made dependencies of the British settlement or government, but that British subjects within those provinces may be proceeded against in England under the Statute 33 Henry VIII c23." Before anything further could be done in the matter there followed the insurrection of 1817 and the Proclamation of November 21, 1818. It is in this proclamation that we find the administration of justice in the Kandyan Provinces provided for.

BOARD OF COMMISSIONERS

The general executive and judicial autjority in the Kandyan provinces was delegated by the Governor to a Board of Commissioners; and under their general superintendence to Resident Agents of Government, with such authority or jurisdiction as by their instructions may be vested in them. The Commissioners were to perform the higher judicial duties and collect the revenue; while the Agents were to hear minor cases. "Vetus" writing in the Ceylon Law Recorder thus describes these Agents: " In the Kandyan Provinces every Agent of Government had power to hear and determine civil cases wherein the subject matter of claim did not exceed 50 rix dollars in value; also criminal cases such as common assaults, petty thefts, and breaches of the peace. They were empowered to fine up to 25 rix dollars, corporal punishment with a cat of nine tails or rattan not to exceed 30 lashes and imprisonment not exceeding two months. The adigars

contd.

were also given criminal jurisdiction in certain cases, with power to imprison up to 14 days and to punish with corporal punishment with the open hand. There was no recognised official spot for the open hand to fall on; possibly, it was the cheek, possibly, also, it was after the manner of the material spanking."

Yet Another "FIND"

C O 7.12.41

Nearly every other day one hears of valuable old manuscripts being brought to light.

The latest I have heard of relates to the laws in the Kandyan provinces 125 years ago, governing the inheritance of landed property on the death of husband or wife. This has recently come into the possession of the Historical Manuscripts Commission.

It is a two-page manuscript and a note has been made in it in his own handwriting by Sir Alexander Johnston, Chief Justice of that period.

Sir Alexander states that this information, which is given in the form of questions and answers, was obtained by Abraham de Saram, who had been commissioned to do so by the Government.

The main source of Abraham de Saram's information was the Dissawe of Wellasse in the Uva District, and a number of other chieftains.

The following are some of the questions and answers -

Q. - Are the wives entitled to the landed property like the husbands ?

A. - The wives are not entitled unless the property was given to them by their husbands in writing and with the knowledge of witnesses.

Q. - How is the property to be divided when either the husband or the wife died without issue ?

A. - If the husband died the wife is entitled to the moveable properties, not the immoveable or landed properties, unless they were gifted to her by the husband in the presence of witnesses.

Q. - How is the division to be made when the husband died leaving a male child ?

A. - That child will become the sole heir to the property belonging to his father: but not the proprietor as long as his mother is living.

Q. - How is it in case the husband died leaving a female child ?

A. - It is as above stated, but when the father dies leaving a male and a female child the latter will inherit only half of the moveable property, but not the landed property, unless it was gifted to her by the father in his lifetime and before witnesses.

Q. - If a person died leaving parents and no children, who will inherit his property ?

A. - The parents.

Q. - If he had no parents or relatives ?

A. - The Government.

A FAMOUS CHIEF JUSTICE

HOW THE JURY SYSTEM CAME TO CEYLON

Recently there appeared in the "Sunday Illustrated" a short article referring to the introduction of the jury system in Ceylon. Here is a letter from that great Chief Justice of more than a century ago - Sir Alexander Johnstone - who was instrumental in introducing to the Island trial by jury.

The letter was written after Sir Alexander had left Ceylon, to become Chief Justice in another colony. Apart from giving a valuable first-hand description of the state of society, the continuance of slavery, and conditions in the island at the time, the first decades of the Nineteenth Century, it demonstrates just how far Ceylon has advanced in one brief century.

.....

LETTER FROM SIR ALEXANDER JOHNSTON

May 26th, 1825.

Dear Sir, - I have the pleasure at your requestto give you an account of the plan I adopted while Chief Justice and First Member of His Majesty's Council in Ceylon, for introducing trial by Jury into that Island, and for extending the right of sitting upon Juries to every Half Caste Natives, as well as to every other native of the country, to whatever caste or religious persuasion he might belong.

I shall explain to you the reasons which induced me to propose this plan, the mode in which it was carried into effect, and the consequences with which its adoption has been attended.

The complaints against the former system for administering justice in Ceylon, were: That it was dilatory, expensive and unpopular.

The defects of that system arose from the little value which the natives of the country attached to a character for veracity: from the total want of interest which they manifested for a system, in the administration of which they themselves had no share; from the difficulty which European Judges, who were not only Judges of Law, but also judges of fact, experienced in ascertaining the degree of credit which they ought to give to native testimony: and finally from the delay in the proceedings of the Court, which were productive of great inconvenience to the witnesses who attended the Sessions, and great expense to the Government which defrayed their costs.

The obvious way of remedying these evils in the system of administering justice, were:- First, to give the nativesa direct interest in that system, by imparting to them a considerable share in its administration: Second, to give them a proper value for a

contd.

character for veracity by making such a character the condition upon which they were to look for respect from their countrymen, and that from which they were to hope for promotion in the service of their Government: Third, to make the natives themselves, who, from their knowledge of their countrymen can decide at once upon the degree of credit which ought to be given to native testimony, judges of fact, and thereby shorten the duration of trials, relieve witnesses from a protracted attendance on the Courts, and materially diminish the expense of the Government.

The introduction of trial by jury into Ceylon, and the extension of the right of sitting upon juries, to every native of the Island, under certain modifications, seemed to me the most advisable method of attaining these objects.

Having consulted the Chief Priests of the Budhoo religion, in as far as the Cingalese in the Southern part of the Island, and the Brahmins of Remifsuram, Madura and Jaffna, in as far as the Hindoos of the Northern part of the Island were concerned. I submitted my plan for the introduction of trial by the jury into Ceylon to the Governor and Council of that Island.

Sir T. Maitland, the then Governor of the Island, and the other members of the Council, thinking the adoption of my plan an object of great importance to the prosperity of the Island, and fearing least objections might be urged against it in England, from the novelty of the measure (no such rights as those which I proposed to grant to the natives of Ceylon ever having been granted to any native of India) sent me officially as first Member of the Council to England, with full authority to urge in the strongest manner, the adoption of the measure, under such modifications as His Majesty's Ministers might, on my representation, deem expedient.

After the question had been maturely considered in England - Character was passed, extending the right of sitting upon juries, in Criminal cases, to every native of Ceylon, in the manner in which I had proposed, and on my return to Ceylon with this Charter in November, 1811, its provisions were immediately carried into effect by me.

In order to enable you to form some idea of the manner in which the jury trial is introduced amongst the natives and half-castes of Ceylon, I shall explain to you (1) what qualifies a native of Ceylon to be a Juryman; (2) how the jurymen are summoned at each Session; (3) how they are chosen at each trial; and (4) how they receive the evidence and deliver their verdict.

Every native of Ceylon provided he be a free man, has attained the age of 21, and is a permanent resident in the Island, is qualified to sit on Juries.

contd:

The Fiscal or Sheriff of the Province, as soon as a Criminal Session is fixed for his Province, summonses a considerable number of Jurymen of each caste, taking particular care that no Juryman is summoned out of his turn, so as not to interfere with any agricultural or manufacturing pursuits in which he may be occupied or with any religious ceremony at which his caste may require his attendance.

On the first day of the Session the names of all the Jurymen who are summoned are called over, and the Jurymen as well as all the Magistrates and Police Officers attend in Court,and hear the charge delivered by the Judge.

The Prisoners are then arraigned; every prisoner has a right to be tried by thirteen Jurymen of his own caste, unless some reason why the prisoner should not be tried by Jurymen of his own caste can be urged to the satisfaction of the Court by the Advocate Fiscal (who in Ceylon holds the Office very nearly similar to that held in Scotland by the Lord Advocate) or unless the prisoner hi himself, from believing people of his own caste to be prejudiced against him, should apply to be tried either by thirteen Jurymen of another caste, or by a Jury composed of half castes, or Europeans. As soon as it is decided what caste the Jury is to be composed, the Registrar of the Court puts into an Urn, which stands in a conspicious part of the Court, a very considerable number of the names of Jurymen of that caste out of which the Jury is to be formed. He continues to draw the names out of the Urn, the prisoner having a right to object to five peremptorily,and to any number for cause until he has drawn the names of thirteen jurymen who have not been objected to.

These thirteen jurymen are then sworn according to the form of their respective religions, to decide upon the case according to the evidence and without partiality.

The Advocate Fiscal then opens the case for the prosecution (through an interpreter if necessary) to the Judge,and proceeds to call all the witnesses for the prosecution, whose evidence is taken down (through an interpreter if necessary) in the hearing of the jury by the Judge, the jury having a right to examine,and the prisoner to cross-examine any of the above witnesses.

When the case for the prosecution is closed, the prisoner states what he has to urge in his defence, and calls his witnesses, the jury having a right to examine, and the prosecutor to cross-examine,them, their evidence being taken down by the Judge.

contd.

The prosecutor is seldom or never, except in very particular cases, allowed to reply or call any witnesses in reply. The case for the prosecution and for the prisoner being closed, the Judge (through an interpreter when necessary) recapitulates the evidence to the jury from his notes, adding such observations from himself as may occur to him on the occasion.

The jury, after deliberating upon the case, either in the jury box, or, if they wish to retire, in a room close to the Court, deliver their verdict through their foreman in open Court, that verdict being the opinion of the majority of them, the most scrupulous care being taken that the jury never separate nor communicate with any person whatever from the moment they are sworn, till their verdict, having been delivered as aforesaid, has been publicly recorded by the Registrar.

The number of the native jurymen of every caste in Ceylon is so great, and a knowledge beforehand of what persons are to compose a jury in any particular case is so uncertain, that it is almost impossible for any person, whatever may be his influence in the country, either to bias or corrupt a jury.

The number of jurymen that are returned by the Fiscal or Sheriff to serve at each session, the impartial manner in which the names of the jurymen are drawn, the right which the prisoner and prosecutor may exercise of objecting to each jurymen as his name is drawn, the strictness which is observed by the Court in preventing all communication between the jurymen, when they are once sworn, and every other person till they have delivered their verdict, give great weight to their decision.

The native jurymen being now the judges of fact, and the European Judges are only judges of law, one European Judge only is now necessary, when formerly when they were judges both of law and fact, two, or sometimes three were necessary.

The native jurymen from knowing the different degrees of weight which may safely be given to the testimony of their countrymen, decide upon questions of fact, with so much promptitude than Europeans could do, that since the introduction of trial by jury, no trial lasts above a day, and no session above a week or ten days at furthest, whereas before the introduction of trial by jury a single trial used sometimes to last six weeks or two months, and a single session not infrequently for three months.

All the natives who attend the Courts as jurymen obtain so much information during their attendance, relative to the modes of proceeding and the rules of evidence, that, since the establishment of jury trial, Government have been enabled to find amongst the half-castes and native jurymen some of the most efficient and respectable native Magistrates in the country, who

contd.

under the control of the Supreme Court,at little or no expense to Government, administer justice in inferior offences to the Native Juries. At the same time it has increased the efficiency and dispatch of the Courts, and has relieved both Prisoners and Witnesses from the hardships which theyincurred from the protracted delay of the Criminal Sessions, has independent of the savings it enabled the Ceylon Government to make immediately on its introduction, since afforded that Government an opportunity of carrying into effect, in the Judicial departments of the Island, a plan for a permanent saving of a thousands pounds a year, as appears by my report quoted in page 8 of the Printed Collection of papers herewith sent.

No man whose character for honesty or veracity is impeached can be enrolled on the list of Jurymen. The circumstances of a man's name being upon the jury roll is a proof of his being a man of unexceptionable character, and is that to which he appeals in case his character be attacked in a Court of Justice or in case he solicit his Government for promotion in their service. As the Rolls of Jurymen are revised by the Supreme Court at every Session, they operate as a most powerful engine in making the people of the country more attentive than they used to be in their adherence to truth.

The right of sitting upon Juries has given the natives of Ceylon a value for character, which they never felt before and has raised in a very remarkable manner the standard of their moral feelings.

All the natives of Ceylon, who are enrolled as Jurymen, conceive themselves to be as much a part as the European Judges themselves are, of the Government of their country,and therefore, feel, since they have possessed the right of sitting upon Juries, an interest which they never felt before in upholding the British Government of Ceylon.

The beneficial consequence of this feeling is strongly exemplified in the difference between the conduct which the native inhabitants of the British Settlements in Ceylon observed in the Kandyan War of 1803 , and that which they observed in the Kandian War of 1816.

In the War between the British and Kandian Government in 1803, which was before the introduction of Trial by Jury, the native inhabitants of the British Settlements were for the most part in state of rebellion. In the War between the same Governments in 1816, which was five years after the introduction of Trial by Jury, the inhabitants of the British Settlements, so far from shewing the smallest symptoms of dissatisfaction, took, during the very heat of the War, the opportunity of my return to England, to express their gratitude through me, to the British Government

contd.

for the valuable right of sitting upon Juries, which had been conferred upon them by His present Majesty - as appears by the addresses contained from page 16 to page 50 in the printed papers herewith sent.

The charge delivered by my successor the present Chief Justice of the Island in 1820, contains the strongest additional testimony which could be afforded of the beneficial effects which were experienced by British Government from the introduction of Trial by Jury amongst the natives of the Island.

See that charge in pages 289 and 90 of Vol. 10 of the Asiatic Journal. As every native Juryman, whatever his caste or religion may be or in whatever part of the country he may reside, appears before the Supreme Court once at least every two years, and as the Judge who presides delivers a charge at the opening of each Session, to all the Jurymen who are in attendance on the Court, a useful opportunity is afforded to the natives of the country by the introduction of Trial by Jury not only of participating themselves in the administration of Justice, but also of hearing any observations which the Judges in delivering their charge may think proper to make to them with respect to any subject which is connected either with the administration of Justice or with the state of society or morals in any part of the country.

The difference between the conduct which was observed by all the proprietors of Slaves in Ceylon in 1806, which was before the introduction of Trial by Jury and that which was observed by them in 1816, which was five years after the introduction of Trial by Jury, is a strong proof of the change which may be brought about in public opinion by the Judges availing themselves of the opportunity which their charging the Jury on the first day of Session affords them of circulating amongst the natives of the country such opinions as may promote the welfare of any particular class of Society.

As the right of every proprietor of Slaves to continue to hold Slaves in Ceylon was granted to them by the capitulation under which Dutch possessions had been surrendered to the British Arms in 1795, the British Government of Ceylon conceived that however desirable the measure might be, they had not a right to abolish Slavery in Ceylon by any legislative act.

A proposition was, however, made on the part of Government by me, to the priprietors of Slaves in 1806, before Trial by Jury was introduced, urging them to adopt some plan of their own accord for the gradual abolition of Slavery.

From the introduction of the jury system I availed myself of the opportunities, which were afforded to me, when I delivered my charge at the commencement of each Session to the Jurymen, most of whom were considerable proprietors of Slaves, of informing them

of what was doing in England upon the subject of the abolition of Slavery, and of pointing out to them the difficulties which they themselves must frequently experience in executing with impartiality their duties as Jurymen, in all cases in which Slaves were concerned.

A change of opinion upon the Subject of Slavery was gradually perceptible amongst them, and in the year 1816 the Proprietors of Slaves of all castes and religious persuasions in Ceylon, sent me their unanimous resolution to be publicly recorded in Court, declaring free all children born of their Slaves after the 12th of August 1816, which in the course of a very few years must put an end to the state of Slavery which had subsisted in Ceylon for more than three Centuries.

Alex. C. Johnston

(Sir Alexander Johnstone's Signature)

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It was under this arrangement that our first full-time Chief Justice came to be appointed.

His full name was Sir Codrington Edmund Carrington. He arrived in Ceylon in 1802, on January 23rd, and opened the new Supreme Court on the 8th day of the month following.

The number of Judges of the Supreme Court have multiplied several fold since, but the system remains unchanged materially, except for that great epoch-making event in Ceylon, the introduction of trial by Jury during the time of Carrington's successor, Sir Alexander Johnstine.

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By 1802 there was a still further change, the name Fiscal's Courts being changed to that of Courts of the Justices of the Peace,which, incidentally, were the institutions in the North of Ceylon where General Yemyss, after a series of conflicts with the officers of law and even the Supreme Court, stampeded the magistrates and, much rattling of the sabre, made his exit from Ceylon for all time.

In Colombo itself, Cordiner mentions the following Courts of Law in 1804, the Provincial Court, the Court of the Justices of the Peace, meeting in the Fort, and the Court of the Sitting Magistrate in the Pettah.

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Dark matted jungles and long plashy plains,
Exhaling foetid airs and mortal damps.
By Kandyan perfidy miscalled a road.
Through which the luckless traveller must vade,
Uncheered by sight of man or man's abode,
Gladly I give to you these farewell strains,
Nor e'er again would your repose inavde."

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The "Kandyan Perfidy" was a reference to Barnes' specially selected military roadmakers who had been stationed at the Kandy end of the great highway to the Hill Capital.

They resented the "perfidy" and "miscalled a road" so strongly, that a few pf them rode down all the way to Colombo before daybreak and accosting the Chief during his early morning constitutional ragged him severely and escaped without their identity being known.

TRIAL BY JURY HELPED TO ABOLISH SLAVERY

Picture - In the background are the 18 Arabs forming the Jury, and in the circular enclosure are two accused while in front of them sit the Advocate Fiscal, the public prosecutor and the Registrar of the Court. In the foreground (left) are two priests and to their right the Defence Counsel. (This picture is reproduced by kind permission of the Director National Museums of Ceylon.

BY T. B. DISSANAYAKE

When the Criminal Sessions of the Supreme Court are held these days in Galle during the Southern Circuit, an artist who wishes to depict the scene would find a jury of seven men, English, Sinhalese or Tamil speaking - the emphasis being on language - and a single judge.

In the early 19th century, it was different. There was t then a jury of thirteen persons and the basis of classification was according to caste or class. In contrast to the singlejudge who presides over the criminal sessions of the Supreme Court today, two judges sat at such sessions in those days at any rate at trials considered sufficiently important by the Chief Justice.

Indeed, that was the entire number of judges of the Supreme Court as constituted under the Charter of 1810. The number was increased to three under the Charter of 1833.

Today the number has risen to nine and, perhaps, further additions will have to be made with the passage of the years.

The reproduction of a print that appears with this article is from an original deawing by an Arab pilgrim. It is dedicated by the painter to the 'Pacha of Egypt, the patron of all Institutions calculated to enlighten his subjects and to promote the improvement of his country'. The coloured print of this drawing is now in the Colombo Museum having being gifter to it sometime ago by Miss Mary Rowlatt of Berkley Square, London.

SAME CASTE

The scene depicted in the picture is of a trial by jury of an Arab man and woman for murder. The accused being Arabs, the jury of thirteen is also composed entirely of Arabs. For the law at the time was such that every prisoner had the right to be tried by thirteen jurymen of his own caste or class unless some reason could be shown to the satisfaction of the Court by the Advocate-Fiscal to warrant a departure from that practice.

It was also open to a prisoner to submit that members of his own caste would be prejudiced against him and hence apply to be tried by a jury composed of half-castes, or of Europeans, or of members of another caste.

contd.

In the absence of such special reasons, a Vellale man, for instance, a Vellale man, for instance, was tried by Vellale jury, a Salagama man by a Salagama jury and a Karawe man by a Karawe jury, Indeed a trial by one's peers !

Difficulties, however, began to arise as there were sub-divisions in these castes and those who claimed to belong to a higher grade within the same caste were reluctant to sit on a jury some of whose members were said to belong to a lower grade. Thus it came to be that an ordinance was passed in 1844 abolishing the classification of juries on the basis of caste and dividing them upon the basis of language.

ABOLISHED SLAVERY

Trial by jury was established in this country by the British under the Charter of 1810 on the advice of Sir Alexander Johnstone, the then Chief Justice of Ceylon who after consulting various persons was convinced that the measure would be of great benefit to this country.

"Having consulted the Chief Priests of the Budhoo religion in so far as the Cingalese in the Southern part of the Island, and the Brahmins of Remifsuram, Madura and Jaffna in so far as the Hindoos of the Northern part of the Island were concerned, I submitted my plan for the introduction of trial by jury into Ceylon to the Governor and Council of that island - Sir T. Maitland, the then Governor of the Island and the other members of the Council - thinking the adoption of my plan an object of great importance to the prosperity of the Island".

Thus wrote Sir Alexander Johnstone in a letter dated May 26, 1825 addressed by him to his government in England fifteen years after the experiment had been at work.

In this letter he proceeds to set out how the establishment of trial by jury helped in the abolition of slavery which was then prevalent in the island. Sir Alexander records that from the time the right to sit upon juries was granted to the inhabitants of Ceylon, he took the opportunity at the commencement of each session to speak to jurors most of whom were considerable proprietors of slaves, of what was being done in England on the subject of the abolition of slavery and about difficulties that they themselves would experience in executing their duties with impartiality in cases where slaves were concerned.

Gradually there came about a change of heart and the proprietors of slaves of all castes and religious persuasions sent him their unanimous decision to be publicly recorded in Court declaring free all children born of their slaves after

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the 12th of August 1816, which was to put an end, as Sir Alexander records, to the state of slavery which had subsisted in Ceylon for more than three centuries.

FULL BENEFITS

Trial by jury as reckoned from the date of its introductin by the British has been with us now for almost 150 years.

It is even older than that if one appreciate that the system was in force in Ceylon in the 17th century under the Dutch Administration.

Mr E.W.Perera, writing in the Ceylon Literary Register Vol. III, refers to the following extract from the :-

INSTRUCTIONS FROM THE GOVERNOR-GENERAL AND COUNCIL OF INDIA TO THE GOVERNOR OF CEYLON, 1656 TO 1665.

" In reviewing the law cases, it has been found that some mistakes have been made. The most serious of these is that for criminal cases, and even in cases where capital punishment was inflicted only four persons sat in the jury. Yet the Death sentence was pronounced ! As this was apparently due to the want of qualified jurors, Your Honour must avail yourself of the officials at Mannar in acses of this kind ..... no sentence is to be pronounced without the unanimous vote of seven jurors".

So one sees that during the Dutch administration there was trial by jury and the number required on the jury was the same as to-day.

The jury depicted in the picture is an all Arab jury and so are the accused. Moreover, almost all the spectators in Court are Arabs.

Picture - Sir Alexander Johnstone.

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One may well wonder what so many Arabs were doing in Ceylon at that time and whether this country was confronted then as well with kindred problems such as those of determining questions of Citizenship.

While one is not aware of any Arabian Citzenship Act, it is a matter of history that the Arabs and Persians from about the tenth till about the end of the fifteenth century exercised the same influence over the commerce of Ceylon as did the Portuguese and Dutch in later times, Arab adventures settled on the Indian and Ceylon coasts, intermarried with the indigenous population and the seaports virtually passed into their hands.

FOR THE OATH

In the picture is visible a circular box being held near a Sinhalese witness by a person who is described as the servant of the Buddhist temple. Perhaps, it would be not wrong to infer

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that this box represents the type of receptacle used to keep the halamba or ankles of the goddess Pattini upon which oaths were frequently taken in those days in Courts of Justice.

J.W.Bennett who was magistrate from 1823 -26 says in his book on Ceylon:- "In the several courts of justice oaths are administered to Hindoos upon the water of the Ganges and Tolse leaves; to Arabs and other Mohammedans upon the koranbby a priest; and to the Sinhalese, whether Buddhists or devil-worshippers upon the Hallan,which consists of a couple of large cylindrical copper rings, containing small iron balls which represent the Bangles of the Hindoo goddess Pattini.

When produced in Court for the purposes of administering an oath to witnesses, these bangles which are wrapped in a red handkerchief or cloth and kept in a round box ornamented with annular stripes of red, yellow and black paint are held by the Kapurale towards the witness, who, extending his hands in an attitude of prayer, and bending his head at the same time repeats the usual oath according to the custom of courts of justice at home".

ALWAYS THERE

BENNETT in his experience as a judicial officer found th that the oath upon the 'halamba' did not tend to elicit the truth from Buddhist witnesses who did not believe in a Hindu goddess and so it was that representations were made by him to the Advocate-Fiscal of his day for the exclusion of the halamba from Courts of Justice.

The bo-tree was found to be more effective and it became a common feature of the Court premises of that time.

There is at the entrance to the Hulftsdorp courts a bo-tree and though, perhaps, not deliberately planted at the spot, it is yet a reminder to us that at one stage of the history of our Courts, the bo-tree formed a necessary adjunct to the temples of justice.

Oaths of various forms were employed in the courts of justice then and there were Buddhist priests, Kapuralas and Mo Moorish administer oaths to witnesses in accordance with the rites of their respective religions. All this has disappeared.

Trial by jury, however, still continues and most of us have at sometime or other in our lives had the experience of serving on the jury.

Today it is an institution with which we are quite familiar In the year 1811 when the first jury under the British was empanelled, the occasion was unique and the memorable scene in court on that day has been preserved for us by J.Stephanoff in a painting,a copy of which is to be seen in the consultation rooms of the Law Library at Hulftsdorp.

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MAHA MUDALIARS OF CEYLON DURING THE DUTCH AND BRITISH PERIODS

DUTCH PERIOD (1656 to 1796)

1	Don Joan de Costa Manamperi Rajapakse Mudianse.	1671	Mentioned in Baldeaus as the first Wasala Mudiyanse.
2	Juan Perera Wickremaratne Ekanayake	1679	
3	Don Lourens Madere de Basto Navaratne Groot Modliar en Benaca I think it must be this Navaratna Medal that Paul Pieris bought from Henry for the Museum.	1686	A Gold Medal presented to him and dated 14 Jan: 1686, was in the possession of Fredrick Di Abeysinghe Guard Mudaliar of Galle.
4	Simon Perera Samaranayake	1686	
5	Gankandege Louis de Saram of Galkissa, 2nd M.M.	1730	
6	Lianage Philip Philipsz Panditaratne.	1740	
7	Leander de Saram Wijesekere Karunaratne.	1756	Banished 1758 by Gov: Van Imhof
8	Don Louis Wijewickrama Samarakoon, 2nd M.M.	1756	
9	Don Alexander Wijesekera Rajacaruna Abeyratne Samarakoon.	6th March 1758	1st M.M. at Colombo. He married Dona Catharina Hamine, daughter of Don Siman Tillekeratne Abeywardene, Mudliar of Matara Kandabedde Pattu.
10	Don Joan de Alwis Wijewardene Senaviratne.	1st Nov. 1758.	Gold Medal dated 17.3.1763.
11	Don Siman de Silva Siriwardhana Gunatilleke Seneviratne.	1765 to 1773	
12	Don Joan Abeyesiriwardene Ilangakoon (Gold Medal)	12 Sept. 1764. 23 Oct: 1765. by Iman William Salek.	1st Mudaliar of Galle and 1st M.M. of Galle. Equal to Maha Mudaliar of the Gov: Gate.
13	Isaac de Saram Wijesiriwardhana 2nd M.M. of Galle.	1779	Son of No.5.
14	Nicolas Dias Abeyesinghe Ameresekera.	1787	2nd M.M. at Galle.
15	Balthazaar Dias Abeyesinghe Sahabandar M.M.	1787	Committed suicide. He lived in Colombo.
16	Abraham Philipsz Wijekoon Panditaratne.	1788	

17	Don Conrad Peter Dias Bandaranayaka.	1790	I think he got a medal and it was with the late M.M.
18	Don Petrus Abesiriwardene Ilangakoon son of No.12 (Gold Medal)	24th Sep. 1791.	Maha Mudaliar by W.I.Van de Graff. What is the date of the Medal with William and is it to Simon Petrus if so there must be two Petrus.
19	Johannes de Saram Wijesekere Abeyaratne.	1793.	

ENGLISH PERIOD (1796 to 1905)

1	Johannes de Saram Wijesekere Abeyratne Died 17 Nov: 1809.		
2	Don David Jayetilleke Abesiriwardene Ilangakoon. Son of No.12.(gold medal) Died in 1848.	1st Feb: 1799 1st.Jan: 1810	1st Maha Mudaliar of Matara and as 1st Maha Mudaliar and Chief Interpreter of the Gov: Gate and Maha Mudaliyar of all the Districts from Chilaw to Magampatoo inclusive. A distinction which was intended to be unique was conferred on the M.M. when his only son, a child of seven years, was invested by Governor Thomas Maitland at his fathers house, Maha Walauwe, Matara, as Mudaliar of Morawak Korle.
3	Louis de Saram Wijesekere Karunaratne, 2nd M.M.	1799	Died in 1815 and was accorded full Military Honours. Vide Gazette No.715 of 28th June 1815.
4	Abraham de Saram Wijesekere Abayagunaratne 2nd M.M.	1810	
5	Johannes Godfred Philipsz Wijekoon Panditaratne 3rd Maha Mudaliar.	1810	1st Sinhalese M.L.C. for both Kandyan and Low Country Sinhalese.
6.	Christoffel de Saram Wanigasekera Ekanayake 4th Maha Mudaliar.	1810	Neils great, great, great, grand-father from fathers and mothers side.
7.	Don Carolis de Livera Wijewardhana Tennekoon Maha Mudaliar of the Governor's Gate.	1820	1st Attapattu Mudaliar of Colombo with the rank and honour of a Maha Mudaliar of the Gate.
8	Ernest de Saram Wijesekere Karunaratne. (Johannes Jacobus de Saram Wijesekere Abeyaratne)	1847	Acted for 3 years during the illness of No.8.
9	Julius Valentyn de Saram Wijesekera Gunatillekeratne.	1863	
10	John Abraham Perera Wijesekera Gunawardana.	1864	Died 13th Sep: 1879.
11	Conrad Peter Dias Bandara nayaka.	Oct.14th 1879.	Died in 1895.

12	Louis de Zoysa Wijesekera Jayatilleke(Honarary M.M.)	Oct.14th 1879.	Died March,1884. Vide Gazette Notice of 21.3.188
	(Henricus Lucius Dassenaike)		Acted as M.Mudaliar at the Queens Birthday Levee at Kandy in 1895.
13	Don Solomon Dias Abayawickrama Jayatilleke Senaviratne Rajakumarun Kadukeralu Bandaranayaka	Oct.17th 1895.	Now Sir Solomon.
	(John David Perera Gunawardana)	-	Acted as Maha Mudaliar during the absence in England of No.13 at the Diamond Jubilee Festivitie of Queen Victoria in 1897 and at the Coronation festivities of King Edward VII in 1902.
14	James Peter Obeysekere	-	Now Sir J.P.O.

N.B. - The dates especially of some in the Dutch Period are not to be relied on O.C.T.

HERE'S LUCK TO GLUCK.

Never mind them Mr.Gluck,
With your confidence and pluck,
You can make as many bloomers as you like,
With just a little luck,
You never need be stuck,
We can send a glowing tribute home to Ike.

As proprietor of a store,
You don't require to know
More than what Madame or Miss would care to buy.

It's another bag of tricks
When it comes to politics,
And diplomatic posts for which you try.

If you can't pronounce the name
of an Easterner of fame,
Or never heard of Hungary before
You could never be mistook
If we called you Mr.Gluck
And mispronounced the sign-board on your door.

But if by hook or crook
They confirm you, Mr.Gluck,
You can swot up Lanka's history and art,
As you flit from store to store,
You can look up Philip Crowe,
And learn to play your diplomatic part.

MERVYN CASIE CHETTY.

The Editor,
The Tribune

Dear Sir, For publication in your paper please.
Thanks. Yours faithfully

CUBA: DEATH KNELL OF U.S. COLONIALISM IN LATIN AMERICA.

Asia led the struggle for the emancipation of the oppressed and exploited from western imperialism. Then came Africa's turn when country after country in Africa became free with such lightning rapidity that it became difficult to keep count of Africa's newly independent States. Now another phase of this struggle for universal freedom has begin in Latin America; this is the demand for the substance of freedom rather than mere outward forms. The recent events in Cuba are an indication that Latin America has at long last decided to defy the theory of geographic determinism according to which physical proximity to the U.S. condemned them to the permanent status of being mere appendages of that country.

The bane of Latin American countries during the last one century has been the continuous interference by giant U. S. monopolies in the government of these countries. The pattern of interference has been the same to the point of monotony. When a Government in Latin America showed any sign of a tendency to challenge the oppressive economic power of the U. S. Companies which maintain a stranglehold on the economy of every Latin American country or of introducing long delayed economic or social reforms, the Companies selected some ambitious soldier or discredited politician without any principles and stage managed a coup d'etat through him. The U. S. monopolies wholly financed and equipped the would be dictator in return for a promise to give them a free hand to exploit the enormous natural resources of the area without any kind of control from the local government. The new ruler was maintained in power as long as he remained faithful to the interests of his powerful patrons.
But sometimes it happened that a puppet began to take himself seriously after a few years and even came to think that he could introduce some long delayed social and economic reforms which would adversely affect the monopoly interest of the Companies though the masses demanded them. The Companies would then decide to act; the would be reformer would be removed by means of a new coup d'etat and another puppet who would faithfully serve the interests of the U.S. monopoly concerns set up.

In the heyday of the British Empire, Britain appointed its Colonial Governors who openly ruled the Colonies in the ultimate interests of Britain. Britain was at least answerable to world opinion for the misdeeds of her Governors and she had to maintain some semblance of fair dealing. But in Latin America the U. S. Companies have abused democratic as well as revolutionary processes to set up stooges who ruled their countries for the benefit of their foreign masters.

But the wave of freedom that swept through Asia and Africa did not bypass America's Latin American empire. The first to unfurl the banner of genuine political and economic freedom from American control was Guatemala under President Arbenz who initiated far reaching agrarian reforms. The American Companies foresaw clearly that if popular will in Guatemala was allowed to have its own way it would precipitate a series of popular revolutions in Latin America that would spell the end of U. S. monopoly power. The U. S. resorted to open and massive military intervention and Arbenz was ousted and an unknown puppet installed. The comment in Latin America was characteristic: "God may be far away" they said "but America is near". The spirit of resistance seemed to have been crushed.

But Cuba's Castro had more luck than Arbenz - thanks to the recent changes in the balance of economic and military power in the world. Young bearded Castro and his followers emerged from the Cuban mountains to overthrow the dictatorial regime of the universally hated Battista who had been installed by the American Companies which owned Cuba's sugar plantations, mills and petroleum refineries. Massive bribes were offered to Castro in an effort to cool down his revolutionary ardour. When Castro refused to be bribed he was called a Communist and an agent of Moscow. Castro quietly replied that he was just a local reformer, determined to deliver his people from foreign domination. Then the Companies made several attempts to assassinate him - but these too failed.

The economic situation in Cuba when Castro took over was typical of most of Latin America. More than 75% of Cuba's land belonged to Americans while most Cubans were landless peasants in a country that is predominantly agricultural. Castro proceeded to implement long delayed reforms. A ceiling of 1000 acres was placed

on all land holdings. Anything above that was distributed among the landless peasantry. (These reforms are far from revolutionary when we remember that India's Congress Government has decided on a ceiling of 25 acres on land holdings. American General Mc Arthur had imposed an upper limit of a little more than two acres on land holdings in Japan. The American press did not think that these measures were communist inspired, presumably because American monopoly interests were not involved in these countries. The U. S. press screamed for revenge but Castro went calmly along.

Cuba's economy depends almost entirely on sugar; and, more than half its total production of sugar was exported to the U. S. from where most of its imports were also received. Castro decided that it was dangerous to depend so heavily on an unfriendly U. S. for its vital trade and that the pattern of Cuba's foreign trade must change through diversification. In order to attain greater economic independence without which political freedom would be a meaningless farce, a series of Trade Agreements were signed with West Germany, Japan, U.A.R., Poland, Czechoslovakia and U.S.S.R. in terms of which Cuban sugar was exchanged for industrial products and for food. The most important of these Trade Agreements was the one with the U.S.S.R. which agreed to supply Cuba with crude oil and wheat in exchange for Cuban sugar. The Soviet oil was to be supplied at $ 1.97 per barrel while the U. S. Oil Companies had imported it at $ 2.80 per barrel from American sources. The American and British Oil Companies - Texaco, Esso and Shell - refused to refine Castro's crude oil. Castro warned them that the Cubans would not be dictated to by foreign monopolies and that the refineries would be taken over by his Government if they persisted in their refusal; he would import crude oil from the cheapest source and not from where it pleased foreign Companies. The Oil Companies resorted to the same tactics that Britain had used immediately after nationalisation in Mossadeq's Persia and Nasser's Egypt. They ordered their technical personnel to abandon their posts and hurry to the U. S. (all expenses paid by the Companies) hoping thus to bring operations to a standstill at the refineries and at the same time spread a sense of impending disaster and chaos in Cuba. But the Cuban Oil Institute confounded the expectations of the Companies by running the refineries with clockwork

precision with the help of Cuban and other Latin American technical staff.

When all its efforts to oust Castro or bridle his reforming zeal failed, the U. S. decided to play its trump card. Inspite of the recently signed Trade Agreements with other countries, Cuba still depended heavily on the U. S. market to sell its sugar. If the U. S. restricted the import of Cuban sugar, then Cuba would face economic ruin. Castro understood the dire consequences for Cuba that could follow the U. S. action. He was angry but unrelenting in his determination to free his country and his people from the clutches of monopolists. He decided that the losses that might accrue to Cuba by American action would be made good out of American investments in Cuba. He told a rally of Cuban sugar plantation workers when the American action to cut down the import of Cuban sugar was impending "The Americans will not keep even the nails of their shoes in Cuba if they try to stifle us by cutting down the sugar quota. We will take over American investments cent by cent till nothing is left if they are going to do this. We will curtail imports from the United States pound by pound. The world is big and we will buy from those who buy from us". The Cuban Government has also decided that any cut in sugar production that may be necessitated by the U. S. action will first be made on U. S. sugar mill owners in Cuba.

Countries in the Socialist bloc, especially Russia and China, have come forward to help Cuba by absorbing a large part of its sugar surplus. Some authorities in the U.S.S.R which devotes over two million hectacres to the cultivation of sugar beet have gone to the extent of suggesting that the Soviet Union would be happy to turn a large part of this acreage to other crops if it could arrive at a long term sugar agreement with Cuba that would be of advantage to both countries. The developments of the last few weeks seem to make it clear that the U. S. economic boycott has failed signally and that Cuba has been forced to depend heavily on the Socialist camp for economic survival.

With the failure of economic sanctions to destroy Cuba's independent, revolutionary regime, the only way left open to the U. S. to reassert its supremacy is open military intervention as in Guatemala and in Mossadeq's Persia. A climate suitable for

military intervention has been sedulously built by the press in the U. S. and in Western countries. There have been screams that U. S. citizens must be protected (though not one American or other foreigner has suffered a scratch in Cuba while numerous attempts on Castro's life have been made by American agents and several Cubans were killed and mutilated when the Americans blew up a ship that brought arms to Cuba. A complaint was lodged with the Organisation of American States, which is an American controlled body, that Cuba endangered the peace in the Carribean area. American supplied planes attempted to provoke Castro by bombing Havana. Large scale troop movements were reported in the Dominican Republic whose play-boy dictator Trujillo is the American's current favourite stooge and who had obviously been chosen as the instrument of American military intervention. Not to lose touch with tradition, the U. S. had already selected Antonio Varona as the puppet who was to be installed in Havana after Castro was overthrown. Varona was temporarily installed in strip tease beach centre Miami which had now become the centre of anti-Cuban plots as well as of near nudes and a retinue of U. S. paid minor puppets was being collected. Cuba's friends in Asia, Africa and Latin America were prepared to write off her newly won freedom in the face of American plans for military intervention.

Then it happened. Kruschev issued a stern warning that Soviet artillery and rockets would be supplied to Cuba if the latter applied for them to ward off aggression. As the Lord strengthened the hand of David against Goliath so did Kruschev's warning strengthen Castro's hand. Though the U. S. officially rejected the Soviet warning, as was to be expected, she has clearly taken the Soviet warning to heart. Kruschev's warning has warded off the imminent rape of Cuba by the U. S. just as Bulganin's secret warning to Eden saved Egypt during the Suez adventure. Cuban Defence Minister Raul Castro has returned from Moscow after receiving firm assurances of Soviet aid in case of attack. A confident Raul told a Congress of Latin American Youth in Havana that rockets would fly over the U. S. if the Pentagon hotheads and U. S. monopolists went ahead with their plan to attack Cuba.

Times have changed indeed. The days of gun-boat diplomacy are gone - never to return. The emergence of a powerful Socialist bloc, willing and able to help less powerful countries struggling for freedom from foreign domination, has remarkably changed the whole pattern of international relations. The Monroe doctrine with its sphere of American influence and the theory of geographic determinism have no place in 1960.

PRIVATE AND CONFIDENTIAL

TheEditor,
Tribune.

At the outset I must sincerely apologise for remaining anonymous, not forreasons of lack of confidence in you, but for other reasons personal to me. I am merely giving facts in the public interest.

In your columns you have quite rightly repeatedly warned the people of this country and the ruling circles against infiltration by enemies of the people into strategic positions. Last week there was an announcement in the Observer that Mr.C.X.Martyn has been appointed Chairman to the Hospital Lotteries Board. It would have been an innocuous bit of news but for the fact that Mr.Martyn has been well known for his reactionary and anti-national activities. His record briefly is as follows:

(1) He launched himself into political life by obtaining a loan from the A.I.C.C., in collusion with others, speculated with public funds and made a pile for himself. Whenever questions were raised in Parliament he was always staunchly defended by a then Minister of Finance, Mr. M.D.H. Jayawardena. But no satisfactory reply was ever given as to why Mr.Martyn was able to speculate with public funds by buying estates, carving them up and reselling them at great profit, defeating with impunity the object of the A.I.C C.Fund legally laid down.

(2) His next exploit was an even shadier one. By using improper use of his position and exploiting the feelings of a dying man, he was able to take over the trusteeship of the Times of Ceylon. It must be remembered that at that point of time, the newspapers were critical of some Ministers of the U.N.P. Government, but thanks to Cyril X.Martyn's control over the Times, O.E.G., who was Finance Minister, received good character certificates in editorials.

(3) Thence began the London Loan rackets with Mr. N.S.O.Mendis & Company. in which C.X.Martyn played a very leading part. Thereafter followed the dining and wining of Prime Ministers, Ministers and Governor Generals at his residence in Flower Road - at the expense of Times of Ceylon! Ultimately things became too hot for him at Times and he was bundled out.

(4) He is an ardent Catholic Action man, capable of doing damage to progressive policies of the present Govt. One must not forget that the American Embassy, gave Cyril X.Martyn and his wife a free trip in America for services rendered to Imperialism!

To come to the present the position is this. A.P.Jayasuriya, is an intimate frined of Cyril X. Martyn and in the hands of Cyril X.Martyin, a subtle and insidious casuist, A.P.J. is a baby. I am not quite sure of this but I was told that C.X.Martyn was in the running for the post of Minister of Justice! One can imagine with horror C.X.Martyn taking part in Cabinet deliberations, learning the innermost secrets of Govt. and passing them on to reactionary vested interests! I understand that thanks to the vigilance of some SLFP Cabinet Minister this move was foiled. And as a sop Cyril Martyn was offered the Chairmanship of thexHospiHospital Lotteries Board.

The danger is very great indeed. C-X.Martyn has the intimate ear of A.P.Jayasuriya and anything can happen. C.X.is capable of wheedling out Government secrets from A.P.J. whose defences will be down because of their friendship.

Another matter that needs urgent investigation is this. I understand that a Treasury circular has been issued to the effect that certain documents in respect of housing loans (I do not know whether it has to do with legal papers) must be okayed by Cyril X. Martyn. I believe he has something to do with Julius & Creasy. One must remember that De Silva and Mendis were notorious in the matter of housing loans. C.X.Martyn who was a director of the latter firm saw to it that all deeds passed by De Silva & Mendis received priority at the Housing Dept.

Cyril X. Martyn instead of thing thankful that there is no public inquiry into his activities and living the pension given to him is trying his utmost on behalf of Catholic Actionto worm himself into positions of public importance to undermine the S.L.F.P. Government.

It is a favourite excuse of Reporters on the Editorial staff of Lake House to avoid keeping regular hours on the grounds that they "had to go on a job". Very often these people keep off for hours and when questioned why they were late to office, they come out with the stock excuse that they had to interview a certain Minister or some Public servant etc.

But what of those on the Editorial staff whose work is essentially of a 'desk' nature? I mean the sub-editors and news editors and feature writers and the host of columnists. Things have come to such a pass here that some persons who are local correspondents for foreign newspapers and news agencies are not doing one jot of work even though they are paid fat salaries. Below is a list of those who are devoting their full time during the office hours for their other work:

(1) Mr. G. Delilkhan — News Editor - Daily News, "Time", New York Times stringer and Ceylon Correspondent U.P.I.*

* The U.P.I. Correspondent in Ceylon until recently was Mr. Austin Silva (former chief sub-editor of the Daily News), who was ditched after C.E.L. Wickramasinghe took over. But Mr. Delilkhan has wangled this U.P.I. correspondentship by means best known to himself.

Mr. Delilkhan is a noted Catholic Actionist taking direct instructions from the Archbishop and the Catholic heirarchy.

(2) Mr. H.B.W. Abeynaike - Diplomatic Correspondent to the Daily News. He is chief local Correspondent of Time-Life and the New York Times.

Messrs. Delilkhan & Abeynaike work hand in glove.

(3) Mr. M.F.L. de Silva, Sub-Editor Ceylon Observer, is the Ceylon Correspondent for Agence France Presse (noted French News Agency). He is another Catholic Actionist.

(4) Mr. Denzil Pieris, Editor Janata, is Correspondent in Ceylon for Associated Press (America).

(5) Mr. M.A. de Silva, Editor of the Dinamina, with his side-kick Oscar Rajasooriya of the Daily News is sports desk write-up for Manchester Guardian.

(6) Mr. Mervyn de Silva who writes the Roundabout, Mild and Bitter and the Book page of the Observer is the local stringer for the London "Economist" and has tie-up with Radio Ceylon in return for polishing Myrle Swan's articles to Lake House.

In exchange for facilitied to earn for Radio Ceylon, Myrle Swan is allowed to write columns like "Up and About" and "Spotlight" in the Sunday Observer and the Observer.

"Mild and Bitter", column of Mervyn de Silva has bottles lined up. A glass of booze from any Embassy will make him do any dirty work.

Most of these, especially the first two persons, are responsible for most of the foulest things that are written about the two progressive governments that came into power in April 1956. They earn about thrice their total remuneration they get from Lake House from their foreign masters.

In other countries all Correspondents accredited to foreign newspapers and news agencies are required to register themselves with the FOREIGN MINISTRY of that particular country. This enables the country from which the despatches are sent to keep an eye on who represents which foreign news agency and/or newspaper. If these people go on writing things that are detrimental to the country's interest (apart from fair comment) the Foreign Ministry bring them to book and even cancel their cabling authority cards. Some similar arrangement is long overdue in Ceylon. The Ministry of Defence and External Affairs should address itself to this task without delay as otherwise fouler things than the piece about our Premier that appeared in the notorious Time magazine will continue from the poisoned pen hacks of these foreign journals resident here.

We do not grudge anyone being correspondent for Foreign newspapers and news agencies but what we object to is the way these people violate the terms and conditions of service which other editorial personnel (not in the charmed circle) are expected to scrupulously adhere to - viz. keeping regular hours and doing their work during the normal hours for which they are paid.

A NOTABLE ANNIVERSARY

A notable Ceylon anniversary passed almost unnoticed last week. Perhaps this local eclipse was due to the 'artificial moon' which the Russians launched to celebrate the October Revolution on November 7th, which day incidentally was marked by a lunar eclipse. However, it is one of those curious coincidences of History that these two events, though separated by space and time, have a common link.

November 7th, which marks the 40 th anniversary of the Russian Revolution is also a landmark in Ceylon History as it marks the 145th anniversary of the birth of Puran Appu, who was destined to be the leader of the Great Matale Rebellion. This Revolt took place in 1848, the year red-lined in History as the "Year of Revolutions".

Puran Appu, alias W. Franciscu Fernando was born on 7th November, 1812 at Uyana in Moratuwa. He had his education at the Wesleyan Mission School in Uyana, where it is likely that he may have heard of the exploits of Keppettipola who led the first major uprising of the Sinhalese against British rule.

From his early youth Puran Appu led an adventurous life. It is recorded that he accompanied high English officials, soldiers and planters on their hunting expeditions. His home-town, Moratuwa, however, was not large enough to give scope to his restless spirit of adventure and he left it to make a name for himself in the hill-country.

There, his charitable nature attracted many friends and admirers. Always a champion of the oppressed, he caused the looting of an English Police-Magistrate's house after a fruitless appeal on behalf of a poor man. Imprisoned for this, he broke jail; reimprisoned, he escaped once more. Hence the epithets, "gaol-breaker", "free-booter" etc by which he was branded by the foreign rulers who proclaimed him an outlaw.

Thereupon, he organized a reign of terror against the Britishers in the-country and he gained much fame as a result of the death of one Major Rogers who was killed by lightning shortly after he had been publicly cursed by Puran Appu. His name now soon became a legend. It was about this time that he was received by the priests of the Mahiyangana and Mutiyangana Viharas.

Largely as a result of a host of iniquitous and burdensome taxes, popular discontent with British rule grew rapidly to boiling point. But the primary motive of the Rebellion that followed, as Sir Emerson Tennent, the Colonial Secretary, testified was the desire of the Kandyans for the restoration of national independence and sovereignty.

At this critical juncture, Puran Appu was the people's natural choice as leader of what proved to be the last "armed rebellion" against foreign domination in the annals of the country. His leadership was inevitable not only on account of his immense personal popularity and prestige but also because he hailed from an ancient warrior clan which claimed descent from one of the Nobles who accompanied Princess Sanghamitta with the Sacred Bo Tree to Ceylon in the reign of King Devanampiyatissa, (4th Century B.C.)

Early in July 1848, Puran Appu led an assembly of Kandyans to interview the Government Agent, C.R.Buller but the deputation failed to obtain any redress. A second deputation led by Gunnepenne Arachchi, a relative by marriage of Puran Appu, having failed, the time was ripe for a revolt. Puran Appu toured the districts of Kurunegala, Anuradhapura, Dambulla and Matale where the chiefs, headmen, and priests promised him support. Then he raised the flag of revolt in the Matale district.

On the 20 th of July 1848, Puran Appu, whom an eye-witness has described as being a handsome six-footer, after a pirith ceremony by a chapter of 67 priests, was crowned King at Dambulla Vihara by Kudapola Unnanse in the presence of a large concourse of people including a number of his kinsmen from Moratuwa. At this royal investiture he assumed the name of King Valasingha.

In accordance with ancient custom by which the identity of the real king was not disclosed in the initial stages of a rebellion, three others, the chief of whom was Gongalagoda Banda, were appointed "puppet kings" to wage war in different districts with all the authority of the true king.

Puran Appu now marched southwards with the main army on July 26th. A contemporary record states that "the flag of his Clan, the Rana Del Kodiya (Cuirass Flag) was borne in front of him". Two days later Matale was captured and Puran Appu made a triumphal entry into this historic town where the jubilant populace acclaimed him King of Kandy.

His victory was but short lived. For his lieutenants failed to carry out his plan of campaign which was to converge on Kandy from three different directions. Moreover, the army was ill-equipped and devoid of much discipline, still less of training. Half-way to Kandy, the British confronted the 'rebels' and Puran Appu was captured.

At a subsequent trial in Kandy by a Court Martial, he faced the charge;- "He, calling himself King of Kandy rebelled and waged war against Her Majesty

been Victoria with the object of seizing Kandy..." He was sentenced to death and on August 8th 1848, in the presence of hundreds of his couhtrymen who had gathered to see him, almost at the very spot where Keppettipola had been beheaded near the Bogambara Mewa, Puran Appu paid the supreme sacrifice for the sake of his ~~xxxxxxx~~ country's freedom. Thus ended the life of one of the most romantic and gallant figures in the history of Ceylon and indeed one who could be called the last King of the Sinhalese. In Tennent's own words, "He died most heroically."

There are some who would dismiss this Revolt either through pride or prejudice, as a "riot mistaken for a rebellion". But facts must speak for themselves and there is no doubt now that it was, as Codrington states, a "formidable rebellion". An English military authority of the period estimated that over 100,000 people were involved in the uprising! Its political impact may be judged from the fact that it caused a Cabinet crisis in England leading to the fall of the Prime Minister, Lord Russell. Further, Lord Torrington, the Governor of Ceylon was recalled.

The failure of the Rebellion, on the analysis of Dr. Colvin R. de Silva, was due to the "superior arms and organization" of the British who crushed this movement of the people for national liberation. The supression of the Revolt paved the way for the consolidation of imperialist rule which gripped the country for another hundred years, until the restoration of political independence in 1948.

It is interesting to speculate on the consequences which might have followed had success crowned "Puran Appu's Kerella" (as it was popularly known.) That is one of the great "Ifs" of Ceylon History. Yet it is a telling but tragic commentary on the national consciousness of the people of a country where nationalism is running riot, that although the foreign Governor is comemmorated in a Torrington Square and a Torrington Place, Puran Appu, the patriot and martyr, but for a solitary ~~[illegible]~~ monument in Matale, has no memorial worthy of the name.

Moratuwa,
12.11.57.

Wimalasiri A. Fernando.

W. A. Fernando
8, Dawson Place
Moratuwa.

SIRIMA BANDARANAIKE

The Man (or Woman) and the Moment, they say, must arrive together. Sirima has arrived to command the moment.

But for the tragic death of her husband, Sirima would have been only a name attached to the glory of Bandaranaike. Today, however, she faces the country as a national leader, alone and in her own right. True, she says, she will carry out the policies of her late husband, and we have no doubt she would. But she will not be content with remaining where Bandaranaike was forced to stop. She will continue in the same progressive crusade using her own will and her own judgment.

It is unfortunate that the country is not made fully aware of Sirima's strong character, capability and integrity. The so-called National Press of Ceylon has done the country a grave disservice by distorting her true character and caricaturing her in the vilest and most indecent manner imaginable. Very soon, however, the truth will be out, and her cowardly detractors will be denounced by the people, and retribution will overtake them.

Sirima's "strength" and "handicap" are that she is the widow of Bandaranaike. It is her strength because her husband was the architect of the Revolution in Ceylon, and because his cruel assassination has aroused the people into indignation. But it is as well her handicap, for people are quick to assume that this great man's widow is nothing but a helpless woman, struggling hard to defend her husband's memory against his enemies.

But there is another side to the picture. One has only to meet her and engage in a conversation with her for a short while to know that she is a remarkable woman with a mind of her own, with a clear sense of mission and a determination whither she should proceed and how she should lead her people.

Born on the 17th April 1916 into a feudal Kandyan family in Balangoda, the Ratwattes, she shed the slough of feudalism with the same alacrity and conviction as did her husband. She married Bandaranaike on the 3rd October 1940 and from that time onwards began her education and graduation ~~towards~~ into becoming a servant of the people.

We have observed her holding high office and rendering efficient service in various institutions and societies such as the Social Service League of Balangoda, the Lanka Mahila Samiti, the CNAPT, the Sinhalese Institute of Culture and the All-Ceylon Buddhist Women's Association, but always she was overshadowed by the name, fame and greatness of her husband. Cheerfully she chose to live the life of an inconspicuous guide, counsellor and inspirer of her husband. She would have gladly lived that life to the end of her days.

But suddenly Destiny intervened. Her husband was snatched from her arms, and her world came almost to an end. But nobody had bargained for a resurgent Sirima rising from the death-bed of her husband, resolved not only to avenge his death but also sworn to annihilate all those reactionary forces both within and without her husband's party, that dared to destroy the fruits of the Revolution inaugurated by Bandaranaike.

Now she faces the country as a dauntless and undoubted leader of the combined forces of the opposition to the UNP and MEP. She has cleansed the party of the vermin that infested it. Perhaps there is a little more to be removed, and she will probably complete this unpleasant task in due time.

Now she challenges Reaction to do its damndest. She has been intimidated, ridiculed, slandered, her honour assailed and her modesty questioned by the UNP and the disreputable daily Press of Ceylon. Failing to subdue her with threats and obscenity they now come in the guise of friends counselling her to beware of the Marxists.

She is not frightened of Marxism. She has learnt the lesson that her husband had failed to learn, and for which he paid dearly with his life. She is not prepared to temporise with Reaction and she is not afraid of the bogey of Marxism. Because of her courage and tenacity, of her quick grasp of essentials and her political acumen she might even prove herself a greater leader than her husband.

The minorities need have no fear that their rights would be trampled by any Government of which she is the leader. We have observed that during the spate of speeches made by her during the current election campaign not one word was spoken against the Tamils, Muslims or Burghers, nor did she trot out the familiar slogans that Hitler once used against Marxism, Communism and the so-called Red Peril.

Tomorrow will be a decisive day in the history of Sri Lanka. Let us hope and trust and pray that we shall be able to salute this courageous woman as the First woman Prime-Minister in the world, and as the acclaimed leader of our Nation in whose hands we could readily place our destiny with confidence and hope.

EDITOR, THE TRIBUNE.

CEYLON ARCHAEOLOGY

Mr. D.T. Devendra, in his second instalment on "SEVENTY YEARS OF CEYLON ARCHAEOLOGY", (Times - 13.9.60) makes the following comments on the (i) ANURADHAPURA STUPA.

"Oddly enough, few Buddhist motifs identified as such, appear here ..... the reasons for the absence is deserving of study."

May I be permited to suggest a line of study to the Archaeological Department of Ceylon ?

"The soaring gates of MADURA symbolizes the cosmic spheres around Mount Sumeru (Meru), towering into subtle celestial realms and finally fading into the fine ether, carrying on their summit a precise reproduction of the TODA (DRAVIDIAN) hut of thatch; and likewise, side by side with the monumental and highly decorative forms of the Stupa, the primitive model can be found. This model was a little mound of clay not as a grave or a solid monument but as a shrine, a simple focal point of devotion. To this day mud mounds of this sort in South Indian Villages serve as shrines of Mother goddesses. There is also the arche-typal form of the pole supporting the Kingly parasole and of the flag-poles that surround the Stupas and figure in the temple courts" ("Art of Indo Asia" Henrich Zimmer, p. 256).

ii. SIGIRIYA - Mr. Devendra writes, "Of Sigiriya which so hypnotised him, (DR. PARANAVITANE), that his most audacious paper was written over it, and his Magnum opus in Medieval EPIGRAPHY also centred on the SIGIRIYA GRAFFITI". - Audacious indeed ! In the SIXTH CENTURY", says QUARITCH WALES, ("THE MAKING OF GREATER INDIA", 19 1, p.27) - 'there was an outburst of MAHAYANIST literary activity in India ... . of the few sculptures of purely GUPTA workmanship may be mentioned the man and woman at ISURUMUNIYA and the guardstones of RUNAMAHA VIHARA. The famous rock paintings of SIGIRIYA are also GUPTA'.

Contd.....2

iii. VATA - DAGE

The local examples called Vata - DA - GE (ROTUNDA) at least existed till the 12th century.

Mr. Devendra does not give us instances of earlier Vata-Dages. The 12th century VATA-DAGE was indeed built by Tamil Craftsmen from South India, during the reign of PARAKRAMA-BAHU, the Great. It is well known that PARAKRAMABAHU had to bring " "DAMILO ARTIFICERS" from the opposite coast of India to repair the structures of his capital.

(Tennent Vol. 1, p.408)

"Of Military engineering the Sinhalese had a very slight knowledge ..... The first recorded attempt at fortification was made by the Malabars (Tamils) in the second Century B.C.....) - (Tennent Vol. 1, p.465). The word VATTAM is a Tamil word meaning 'round' or 'circular'.

Mr. Devendra goes on to inform us that, "There are some fine examples of baths like the impressive KUTTAM POKUNA (Twin Ponds) well planned, spacious wells and at least one public park so far conserved."

Now the word POKKA (S.PUKKA) is a Dravidian word meaning to make a hole, and POKKANAM 'a large cavity in a tree', 'the navel' or 'a small pond'. I do not know how Mr. Devendra arrived at the meaning 'Twin' for KUTTAM. It is a Tamil word meaning 'that which is connected' 'A meeting of two or more persons or things (KOOTTAM). Here it would mean, 'two or more ponds adjoining or connected'.

iv. MOONSTONES.

Mr. Devendra states, "Sculptures and decorative work can well hold their own. Among the latter are the famous Moonstones which with their ornamental adjuncts, are Sinhalese creations."

I give below the studied opinion of HENRICK ZIMMER found in "THE ART OF INDIAN-ASIA" - p.256.

'The Moonstone of Anuradhapura is a replica of the semi-circular stepping stone, that ended the stairway to the terrace of the Amaravati- Stupa (Andhra - Dravidian). Here at Anuradhapura in the fifth century A.D., it was in the same position as in the earlier Indian monuments, where it formed an ornamental and symbolic entry for the staircase..... The symbolism probably is of ancient

standing and presumably represents the four quarters of the world".

(The words in brackets are mine).

HOCART

Mr. Devendra refers to Hocart. I give below the opinion of Quaritch Wales (The Making of Greater India, pages 28, 29), on HOCART'S dictum that, 'as in theology so in architecture of its topes Ceylon remained conservative" Q. Wales comments -

"He (HOCART) does not, it will be noted, speak of originality or evolution, but rather differences in technique, and then such as might be expected of the work of Copyists", and adds -

"That the art of Ceylon is in general a reflection of that of India and without original developments, was indeed already recognised by General de Beylie, and his opinion has been confirmed by Stern."

The art referred to was not merely a copy but a reproduction by South Indian craftsmen.

RAVAGERS.

Mr. Devendra has the temerity to state that 'South Indian ravagers added to the tale of destruction".

It is more than ill-informed audacity; it is positive ingratitude and mis-representation. I quote Quaritch Wales again (ibid p. 22).

'All the regions of India contributed more or less to this expansion, and it is the South that had the greatest part.'

S.J. Gunasegaram

S.J. GUNASEGARAM.

KOPAY.
24.1X.60

INDRA and VRITRA

INDRA (SAKRA), is a Vedic Indo-Aryan god. If the early Indian Buddhist writers made him the guardian deity of Lanka, it is only an indication that Buddhist monks during the early days of Buddhism were still dominated by Brahminic influences and harked back to the Vedasm inspite of Buddhas repudiation of such primitive beliefs.

Mr. MUNJISIRI (C.D.N. 23.9.60)

paints a pleasant picture of Indra - but here is what PIGGOTT (Pre-Historic India', p. 260) says of Indra.

'The greatest god of the Rig-Veda is Indra --- and is the apotheosis of the Aryan battle leader; strong- armed, colossal, tawny-bearded and pot-bellied from drinking, he wields the thunder bolt in his more god-like moments, but fights like a hero with bow and arrows and he devours prodigious quantities of beef, porridge and cakes, swallowing them down with the intoxicating soma or with mead, and both his drunkenness and its after-effects are described with convincing fidelity ------. His a Cattle raider'.

Very unlike the Greek god
appollo, indeed !

Siva and Vishnu, on the other hand, were not Aryan Gods. The Indo-Aryans in course of time associated the malevolent characteristics of the Vedic Rudra with Siva and incorporated Siva and Vishnu along with BRAHMA in the TRIMURTI (Trinity)

It is not strange that Vishnu and Siva, in particular, are not held in high esteem in the Rig-Veda. Siva was almost hated because he was a monotheistic Dravidian deity. In the Rig-Veda (VII Ch. 21-5) we read "Let those whose deity is the Phallus not penetrate our sanctuary". It is in the Yajur Veda that Siva definitely assumes the aspect of Maheswara - the Great God.

Ravana's son, the Conqueror of Indra, Indracatru (the foe of Indra) was like his father Ravana ~~xxx~~ a Siva worshipper. The epithet applied to Indrajit, in the Rig-Veda, Indracatru is the very same applied to VRITRA.

The myth of the conquest of Ravana by Rama, in the Ramayana, possibly alludes to the temporary triumph of Brahmanism over Savaism. In the story of Lanka this is evidenced by the pre- Buddhistic predominance in Ceylon of Siva worship.

B.C. Law, ('ON THE CHRONICLES OF CEYLON' p.54) writes, " MAHINDA, (INDRA), the king of the gods has been the guardian deity of Ceylon before

before Mahinda, the propagator of Buddhism took over charge of the island. The Ascetic God Siva had a good deal of hold on the religious beliefs of the people ——— The god Uppalavanna or VISNU was the intermediary between the two MAHINDAS".

S.J. Gunasegaram

S. J. Gunasegaram.

* The Dipavamsa (ch IX. V 23, 24) tells us that 'Sakka, the lord of gods' ... 'told Uppalavanna to guard the island'. Uppalavanna is identified with VISHNU. It is derived from the Tamil UPPALVAN (the lord of the sea) by which name the Sinhalese worshipped VISHNU at DONDRA.

S.J.G

THE RETORT COURTEOUS!

During September last year the public of Ceylon accorded a Farewell Dinner at the Galle Face Hotel to Yakolev, the Soviet Ambassador on his leaving the Island. It was an unique and brilliant occasion, well attended by representatives from all sections. There were, however, a few prominent exceptions who chose to keep away. One of those who made themselves conspicuous (and ridiculous) by their absence was the West German Ambassador Auer, who had a "previous engagement" that day.

Auer threw a lavish party early this month to Joachim Von Merkatz (one almost uttered Joachim Von Ribbentrop) at the same venue. One of the notable absentees at this party was the Soviet Ambassador Tarakenov, a veteran of Stalingrad. It is understood that he had pleaded "illness". Was it from an old war wound sustained at Stalingrad ? It is as well that Auer and Merkatz are reminded occasionally of Stalingrad. A quarter million Hitlerite fanatics never returned to the Fatherland from that grim and decisive battle.

Von Merkatz was observed to sing lustily the Fascist National Anthem Deutschland uber alles. While singing this hateful tribal bombast Von Merkatz looked as ludircous as Von Ribbentrop when he clicked his heels and raised the Fascist salute before George the Sixth in 1937.

Deutschland uber alles indeed! Sing it to Venus towards which the Soviet pennant is rushing riding on a star.

SPOTLIGHT

Some Important Points for the present situation of our country.

L O A N S :- 20 Loans of $ 100,000,000 each are available for negotiation with a large Bank through Messrs R. Howard Medcalf South Africa Pty Limited, P.O.Box. 17136, Hillbrow, Johannesburg, South Africa.

This loan can be obtained on an interest basis of 4½ to 6 % and a term of 20 years repayment.

This Loan can be made available from our Principals with-in 21 days from day of submitting Guarantees to our Principals in South Africa who in turn will instruct one of the Leading Banks in the World to release the said loan.

Guarantees from the Ceylon Government for repatriating and also from a Prime Bank with a Mandate to be submitted.

K Y O T O F I N A N C E C O.,

This Company is able to give us a standing order for our Tea Exports to the Continent to the Extent of £ 1,000,000/- in return for which we can have the following:- Japanese Textiles, Japanese Machinery, Japanese Sundries and Cements, etc.

An Escrow L/C will be opened in our favour and the Ceylon Govt. may authorise anyone to purchase the goods under Ceylon Rupee.

We in return can Export the Ceylon Tea to the parties described.

F O O D S & F O O D S T U F F S.

Sugar :- We are able to Offer Sugar at £59.2sh.3d.
F.O.B. European Port.
Quantity 150,000 Tons
Polarization 99 5/7 and packed 100 Kilos bags
Immediate bookings.

"Intermech", Johannesburg.

Chillies:- £140/0/0 per Metric Ton C & F. Colombo.
Long chillies and very strong.

Chick Peas:-	£36/0/0	per Metric Ton C & F. Colombo.
Green Peas:-	£36/0/0	do
Brown Lentils Whole:-	£45/0/0	per Metric Ton C & F.
White Haricot Beans:-	£72/-	per Ton C & F.Colombo.
Horse Beans	£40/0/0	per ton C & F. Colombo.
Mustard Seeds	£70/0/0	do
Ground Nuts unShelled	£75/0/0	
Castor Seeds	£62/0/0	do

Ethiopian Grounded Coffee in 1 lb Tins £205/- per Ton.

From Aristides Livierato - Addis Ababa

C E M E N T :-Per Ton European BSS 12/1958 Sh 107/6d per M/T CIF Cb

Sh 119/6d per Metric Tons CIF Colombo.

Both Brands from "INTERMECH", Johannesburg.

BEEF & MUTTON :-

We are able to offer Meats from India and this can be supplied to the People every 12 hours and can easily be delivered fresh every morning to the consumer at the following rates.

B E E F	-/62 cts per lb.	C & F Colombo.
M U T T O N	1/20 per lb. plus the cost of handling by the seller.	C & F Colombo.

FISH.

We are able to offer Fish at very cheap rates as -/84 cts per lb of Fish including the following:-

Seer 40 to 50%
Tuna, Parawa 20 to 30%
Mullets 30 to 50%
Small Fish below 2 lbs 10 to 20%.

All classes of Fish will be included in the consignment.

For the purpose of Transporting Fishes and Meats it is necessary that we purchase two boats with Cold Storages and run the same on Ceylon Account daily between COCHIN/CAPE COMMRINE AND TUTICORIN to COLOMBO.

These Boats are already arranged from Ashai Trading Co., Japan for immediate purchase and we are awaiting the permission of the Hon'ble Mr. C.P. de Silva and applications have been set to his Ministry and which have been considerably delayed.

D R Y F I S H :-

The first thing is that all Indians who have obtained Ceylon citizenship by foul means should be deported and Ceylon by Descent only be requested to place orders for the C. W. E? or any other Govt. Department in Trade.

Specially those who have obtained Ceylon Citizenship have done so by foul means and they have one foot in India and the other in Ceylon.

If we are permitted to supply the Dry Fish the Govt. required we assure that we will supply dried Fish much cheaper than any other supplier from Ceylon and we have been glad to show proof that we are the First Principals of A N G O L A Dry Fish to this Island.
See the publications of the Ceylon Observer (Sunday Edition) 8th. December, 15th December, 1963 and also 15th February, 1963 which will give you much details of the Angola Deals.

G E R M A N T E C H N I C A L A S S I S T A N C E

Excellent Technical Assistance and Cheaper than any other source is always available for you.

B U S E S :- We can supply 2000 Buses at a very low cost and on easy payment terms, ranging a period of 2 to 10,years.

U N E M P L O Y M E N T :-

Encourage Private enterprises without any restrictions to start fishing ventures and this is paying for Export products. Such as Canned Prawns, Crab, Tuna, and other Fish including Lobster Tails.

The Present restrictions from the Ministry of Lands, Irrigation & Power may ruin the said Trade as only a little Ceylonese have been encouraged for these purposes.

It is necessary that the Hon!ble Mr. C. P. de Silva will personally handle the same instead of giving the same to his Permanent Secretaries Secretary's.

Encourage Fishing Companies to buy their Vessel Outright instead of Charterering and to obtain a Captain and another on the Vessel to man and train the rest.

Allow persons to go to Japan and Britain for Fisheries Traihing and also Manning of Vessels.
Ceylonese are Capable of doing this do not restrict studies.

Encourage Large Scale Industries without restrictions and then there will be excess in our Market and they will be compelled to find a foreign market for their goods and thus our Economy will be developed.

All the Re Export of any goods from Ceylon and we will make more monies.

Open up the Saltern Scheme of 100 Acres as decided by the Salt Department in Elephant Pass and give more employment to thos persons willing to take up residence there and thus you will encourage More Salt to be Exported and also the By Products to various Markets of the World.

L A S T :- Give us a chance to reduce the cost of living by giving us all the support and at the same time by purchasing from our principals direct. Our Principals can get markets more cheaper than any other sources you have so far tapped.

We Guarantee that the Cost of Living will be sent to the ground provided that you will give us assistance in requesting the C. W. E. to purchase the goods offered by considering the prices and quality if they are cheap an good instead of putting spokes in the Wheel of the Cheaper Markets and sure goods.

A Board of three judges be appointed to the C. W. E. for making the purchases and not the present method of purchases.

Corruption be completely whiped out.

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Corrupttion be completely whiped out.

Assistance be provided if they refuse to place orders to bring the matter before you for immediate action in the matter.

No cruelty,no provocation,only suspicion and fear.That is all.No cruelty by the police,no provocation by the people.The stampede,the deaths,the the police 'atrocities' on January 10th at Jaffna at the conclusion of the 4th IATR Conference.....they were the result of smouldering suspicion between 2 communities that had seen a lot of racial tension in the past. When the members of one community stage a revival ~~of their~~ of their culture and literature,and the Govt. which is largely made up of the other community fear the worst,well,the situation is inflammable.And it caught fire.As was only to be expected.In fact it was surprising that the trouble didn't start much earlier,during the week-long conference,instead of erupting on that last day alone.~~The~~

The weeks just before the Conference saw a lot of bickering between the govt. and the officials of the IATR (Sri Lanka National Unit),and between Tamil personalities themselves.The issue,the apparent issue,was trivial.....the choice of a venue.The reason in truth goes back to the history of racial tensions between the 2 communities.

As regards the venue,both the govt. and the IATR officials were right..... each in their own way.The IATR officials claim that the venue was decided upon a long time ago.Indeed,as far back as 2 years ago official letter-heads were printed with ~~carried~~ Jaffna as the venue for this 4th IATR Conference.This was understandable because Jaffna is the home of the Tamils and a cultural conference on the Tamil race and ~~on~~ Tamil Literature should necessarily be held in Tamil country.To have held the Conference in Colombo in the heart of the Sinhala area ~~and with but a few hundred Tamils in the city~~ merely because hotel of conference facilities were better in the capital city,is slightly absurd.On the other hand,the govt.feared that the Conference could be put to use by the separatist ~~Tamil~~ political parties.This too was a very natural fear, for ~~the natural consequence of~~ a cultural resurgence ~~is~~ inevitably encourages aggressive political action.As a matter of fact,the present govt. itself had come to power by a powerful appeal to the cultural and religious sentiments of the Sinhala masses that had suffered eclipse under ~~the~~ colonial rule. So they understood the matter well indeed.

It is necessary at this point to glance briefly at the political history of the country since the troubles of the IATR is inextricably caught up in it.

The Tamil,every man among them,is an individualist.They are not a race easily led.They are not easily swayed by racial or religious fanaticism either. To a Tamil,his economic security,his job,his little acre of land and the inevitable pension at the end of his life,is of far more importance than any intangibles of racial glory.The Jaffna Tamil will never exchange his loaf of bread for a rose.Despite the fact that the Tamils are the largest minority group in the country,they were by far the most unorganised,politically.~~Tamil political personalities often had more personality than politics.~~ The leading Tamils were the biggest individualists of them all. Tamil political personalities often had more personality than politics.In general they represented nobody's political ~~principles~~ opinions but their own,but the very force of their charismatic selves allowed them to continue as the 'leaders' of the Tamils.

It is in the light of this that the popularity of the Federal Party is all the more striking.A breakaway group from the parent Tamil Congress in 1947, the FP,with its demand for a Federal State with autonomy for the Tamil provinces of Jaffna in the North and Batticoloa in the East,won only 2 seats in the general election of 1952.In the 1956 election however,when the issues at stake included a resurgence of Sinhala culture and the goal of making Sinhala the only State language,the FP increased its representation to 10 seats and trebled its vote.This was the inevitable ~~result of the~~ Tamil backlash when Sinhala populism was on the increase.As racial tensions worsened after the race riots of 1958,the FP won increasing popularity as the Tamils now feared not only their economic but their physical existence as well.

Subsequent general elections confirmed the strength of the FP. But Tamil unity was really forged after the promulgation of the Republican Constitution in 1971. All express guarantees of minority rights were removed on the argument that every ~~xxxx~~ Ceylonese as a citizen had his rights under the Constitution and that there was no need to make specific statements in regard to any communuty. The Tamils boycotted the Constitution altogether and the historic TUF was formed.....between the FP and the TC which had traditionally battled for Tamil leadership since their split, and between the FP and certain ~~xxxxxxxxxxxxxx~~ Trade Unions of the Indian plantation labour.

This latter alliance too was historic since there had never been complete identity between the ~~plantation~~ Indians on the plantations and the Tamils of ~~xxffxx~~ of Ceylonese descent. The Indians were isolated on the plantations in the hills of central Ceylon. Sinhalese nationalism was a threat to the Jaffna Tamils who occupied places in the Public Service ~~xxxxx~~ quite disproportionate to their numbers. But the Sinhalese didn't covet the hard labour on the plantations. So the Indians remained largely untroubled by Sinhalese nationalism since they had no stake in the larger aspects of national life. However as the country's population grew, and the demand for land and jobs increased, the govt. had no alternative but to attempt to solve unemplyment by making room for the Sinhalese on the plantations. The efforts to get rid of an alien people culminated in the Sirima-Shastri Pact whereby India formally agreed to take back its people.

When the present govt. of Mrs. Bandaranaike came back to power in 1970, they promulgated the new Constitution (without specific minority guarantees) and they also stepped up measures to enforce the S-S Pact that had been soft-pedalled by the previous, rightist govt. This sent the Tamils and the Indians into each others arms. The Tamil United Front was born.

There are of course a few Tamil Parliamentarians (rebels from the TC) and a few other politicians who do support the govt., believing that a minority must co-operate with the majority to go any place. But, the vast majority of the Tamils fear that the Sinhalese would eclipse them as a distinct race, and they have taken a tough stand (verbally at least). ~~determined to fight for their rights~~. '(The situation is particularly ironic as eclipse is precisely what the Sinhalese fear in the larger context.....for there are 40. m. Tamils in South India and in some other Asian countries, while ~~xxx~~ the Sinhalese race is ~~more or only~~ numbers only 10 m.. the Sinhalese culture exists in this tiny isle alone.)

The obvious solution would be to establish parity of language. This would remove the focus from the sensitive (but silly) argument of language, and defuse the situation. Sinhalese and Tamil culture could be promoted academically, while the govt. could concentrate on its rightful business of Administration. Hundreds of years of colonial rule in our country and in all Asia as well has not destroyed the indigenous languages~~xx~~ or culture. Its not going to be destroyed now when we have got our independence. Howeve, the easy or obvious solution is never possible for populist govt.s that depend on the franchise of the poor and the illiterate, It is the price we pay for democracy.

The point in all this is that for the first time, "Ninety-nine percent of the Tamils ~~xxxxxxxxxx~~ are behind the FP. For whatever reasosns (and there are many) they all support the TUF. Nothing can be done in Jaffna if the TUF decides to oppose it," is the considered assessment of a most respected Tamil personality with no political affiliations whatever.

In the light of this newly forged Tamil unity and the obvious restlessness of a people who, whether right or wrong, believe they ~~are being~~ have been cornered and have nothing left to lose, the govt.s' fears at having a Conference reciting the lost glories of the Tamils, is understandable. Very understandable indeed.

However, faced with a serious economic crisis in the country, the govt. remained preoccupied with other matters and took no decisive action on the Conference until it was almost upon them.

For some time the Defence Ministry had in a desultory way been trying to persuade the convenors to have the Conference in Colombo They refused. Two weeks before the Conference was due, the govt. suddenly issued a harsh ultimatum.....Take Colombo or lose the Conference. It is also possible that this tough attitude might have been due to the fact that the IATR officials had tended to cold-shoulder the Tamil politicians who leaned towards the govt. This was a blow to their prestige and they resented it. The govt. itself had no prestige to lose but it meant that govt. control or supervision of any sort, (and we must concede that this was necessary in dealing with a seething minority group), was lost. Thus personal prestige and political pressure combined to produce the govt's new attitude of toughness on this question. When the organisers remained stubborn, the govt. was stubborn in its turn. Five days before the Conference was due to start, permission for visas for the foreign delegates was refused.

Some delegates were turned back after reaching Ceylon. Some were turned back when they reached India. Some, such as the Japanese, decided not to make the journey at all. At this point the BBC and All-India Radio escalated the issue into a world-wide scandal. The discredit to the country was tremendous. It appeared that the govt. had wantonly stopped an innocuous research Conference on the quibbling issue of a venue. This certainly looked like persecution of the minorities! The International Press had a field day.

At this point the P.M., realising the damage to the country, intervened. To her great credit it must be said that she never hesitates to reverse a decision where necessary, and 'prestige' is never a primary issue with her. A personal emissary sent by her met a high official of the IATR, and on his assurance that politics would have no part to play, she made an personal order over-riding the Cabinet decision. The visas were granted once more. The Conference was on.

Were there any politics at the Conference ? Well, it would have been naive to expect it to have been otherwise. The actual Conference was of course concerned with research alone and had academicians of the highest distinction taking part. But just outside those Conference rooms.....the story was a little different.

No member of the Govt. participated. The only govt. official present was the Govt. Agent of Jaffna. The Tamil M.P.s' who now sat with the govt. boycotted the sessions too. The Mayor of Jaffna, also pro-govt., was given a strong rebuff, when the Cultural Exhibition sponsored by the IATR, and scheduled to be opened by him, was closed on that day despite a loss of near on Rs 15,000/-. The TUF men on the other hand gave their enthusiastic co-operation, altho' they kept a low profile. It would have been difficult anyway to expect a political party fighting to assert the rights of the Tamils, to disassociate itself from a Conference on the Tamils and their heritage.

The controversial DMK Youth leader Janardhanam also arrived in Jaffna, by a ruse it is said, coming thro' Malaysia since all South Indian arrivals were suspect. Janardhanam's arrival was certainly political, if nothing else was. Janardhanam is no Tamil scholar. He had of course every right to participate as an observer, but in the face of govt. suspicion, his arrival contributed nothing but aggravated things plenty. But the Conference itself was absolutely free of political undercurrents. It was a research conference, no more, and the foreign delegates rejoiced in getting acquainted with the Tamils and their way of life. They had no time for anything else.

Politics seemed a petty thing indeed in the wake of the tremendous, spontaneous, hysterical response by the Tamils of Jaffna. Not the town of Jaffna alone where the Conference was held but the whole of the Northern Province erupted in an extravaganza of pageantry, bunting and joy. Not even the previous Conference held in Madras under DMK auspices was any comparison, said the South Indians. The foreign delegates were swept off their feet by the enthusiasm. Incredible! Unbelievable! they gasped.

It can be said categorically that the response of the people was entirely spontaneous. It was not an organised political affair at all. And yet, to cautious onlookers this very spontaneity should carry a message. For it was an outburst by a minority community full of grievances, imagined and real, seeking reassurance in reviving the glory of their past. Basking in the light of a common heritage, the Tamils knew a rare moment of complete identity. A dangerous thing indeed in the light of future possibilities.

The police and army patrolled the Northern Province throughout the week of the Conference. But there was absolute peace, co-operation and co-ordination between the people, the police and the officials of the IATR, until that fateful 10th of January. What happened on that last day ?

The Veerasingham Hall was ~~scheduled as~~ the venue for the last public meeting of the Conference. But an estimated crowd of 60,000 grew restless as they couldn't be accomodated in the hall and the organisers were reluctantly forced to move outside. Since they had no permission to hold an open-air meeting, the speakers sat on a makeshift platform on the veranda while the crowds filled the grounds, overflowed onto the road outside, and even beyond. They squatted on the ground, a densely packed mass. It was 8-30 at night and the speaker was Nainar Mahammed from Trichy. A police jeep came by.

From now on we must speculate as to the course of events since all was confusion, but this is what probably happened. A public road was being obstructed. There had been no permission granted by the authorities to hold an open-air meeting. Since perhaps the brush with the govt. had led to orders that the police were to act with a firm hand, they probably tried to clear the road. Or perhaps they mistook the speaker Nainar Mahammed, a powerful orator, for the controversial Janardhanam and tried to intervene. Seeing a disturbance far off and of course not knowing the reason why, Nainar Mohammed asked the people to sit down and keep calm. The people obeyed & continued to sit. The police, presumably interpreting this as insubordination ~~and~~ baton-charged the obstructors. Then, (I speculate again), ~~possibly~~ realising how hopelessly outnumbered they were ~~in the midst of the huge crowd~~ they began exploding ~~several~~ tear-gas shells. The crowd stampeded. Some among the crowd were flung against wires stretched out in the grounds of the hall and 7 died of electrocution. There had been a leakage of electricity which was only too possible what with all the electric lighting, cables and mikes strung around.

It was really at this point that the police action became completely indefensible. Long after the crowd scattered, they chased behind them into houses and assaulted those gathered at bus-stands. Whether their actions were the result of fear at being outnumbered they feared the crowd when the first shock had worn off will be known when the judicial inquiries going on at present conclude. they did this because

The casualties were finally, 7 dead, 30 injured and 2 buses burnt down by an infuriated crowd. There was also the intense agony caused when a huge crowd, thousands of them from ~~several places away~~ far away places, were scattered for miles in the dark and had to spend the night wandering around or huddled in a stranger's home while fearing the worst for their lost wives and children.

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~~On the surface of course this was a result of police 'brutality' turned upon a peaceful crowd. Understanding the subterranean tensions however, we must say that something like this was only to be expected tho' not welcomed.~~ The Govt. was prompt in appointing a Commission of Inquiry to be conducted by C.X.Martyn, pro-govt. M.P. for Jaffna and former District Judge. A judicial inquiry into the deaths is also continuing.

The scene now shifts to Colombo. A meeting was held at the Ramakrishna Mission Hall 3 days later, ostensibly to afford the Tamils in Colombo an opportunity to hear the delegates. In effect, it turned out to be a protest meeting at the tragedy ~~that had befallen us~~. The huge hall was packed. On the dais were a few of the foreign delegates, 5 from South India and one each from Singapore and South Africa. The others had either returned home or were spending a few more days in Jaffna absorbing the Tamil way of life. The tragedy ~~xix~~ so unexpected after the joyous week of the Conference had shaken the delegates badly. They were still dazed. How did it happen ? Why did it happen ? they kept asking.

They were bitter and they were angry. Referring to the restrictions placed on the speakers to avoid controversy that day, Dr.Ravindra Kumar Seth of the Delhi University was cynical. " I am told there are many things I must not speak about. The truth is very bitter indeed." Sorrowfully, Nainar Mohammed of Trichy acknowledged that " All things have their price and that price must be paid. With the lives of 7 Tamils we have purchased the right to stir the conscience of the world, to put Jaffna on the map." Dr.Saalai Ilanthiraiyan of the Delhi University referring to the boycott of the Conference, said simply, "The great may not have come. ~~But~~ The people did. Should we ask for more ?"

But anguish ~~shivered~~ ached in the voices of Drs.Vasuki and Shalini, the ~~lady~~ women delegates. Conservative Tamil matrons tho' they were, theirs were not the kind of speeches, speeches of controlled emotion, we had from the men. ~~Voices~~ Shaking with anger, their grief was uncontrollable. "The Tamils in their sorrow should remember that if the Jaffna Tamil is hurt, Tamils all over the world will raise their voices. Naver fear! " Dr.(Mrs.) Vasuki ended.

[illegible]...
[illegible] ?

But where, oh where was the anger, the anguish, of the Tamils themselves ? As a spectator at this meeting and as a Tamil too I must say it was a ~~rather~~ sorry spectacle indeed. Of course Jaffna had experienced a complete hartal in the days following the incident and over there feelings ran high. But here in Colombo nobody showed anger. ~~neither the audience nor the officials of the IATR who presided showed anger~~. Of course they expressed their sorrow. They also, guardedly, expressed their indignation. But in what a passive, peaceful manner! All the anger welled from the foreign delegates alone. When Dr.Seth proposed a fund to help the families of the dead, prompt contributions and a spirited response had to come once again from our foreign friends ~~from over the seas~~. ~~There were no The Ceylonese showed no interest in the matter at this stage of the proceedings~~ ! I don't expect the dead to be martyred, for their deaths ~~was~~ were entirely accidental. I don't expect the Tamils to go on a rampage. But at least I did expect them to show some fight. But Colombo's Tamils, ensconced in their comfortable niches were shedding no tears. And, as we stood up to observe 2 minutes of silence for those who died, I asked myself.....should we not mourn ~~xxxxxx~~ for ourselves instead for ~~almost not~~ ~~we are~~ are we not the living dead ?

The Tamil political parties have stepped in now. There is already a Commission of Inquiry ~~in~~ appointed by the govt. and a judicial inquiry into the deaths. The FP has decided to appoint its own Commission of Inquiry too. February 10th is intended to be a day of mourning in Jaffna one month after the date of that (involuntary) martyrdom. More and stronger protest is expected to gather as the inquiries proceed.

It is proposed that Basic Resolutions No 20 to No 22 be amended to embody therein legal requirements in regard to the Judiciary as follows:-

The administration of Justice and all Judicial Power and authority shall be vested in and exercised exclusively by the institution to be designated The Supreme Court of Judicature of Sri Lanka, which shall consist of a Chief Justice who shall be the head of the Judiciary of the country, and a Puisne Justices, (whose number shall be determined by the President of the Republic in consultation with the Chief Justice and the Minister of Justice.

The Supreme Court shall exercise its original and appellate jurisdiction as laid down by Law, with discretionary power of pas ing rules, reviewing, revising and reversing the orders and judgments of inferior Courts.
There shall also be a Court of Appeal, ~~xxxxxxxx~~ whose Judges shall be designated Justices of Appeal, and appointed to a panel or Bench selected from such retired Judges of the Supreme Court as shall not have reached the age of 75 years
The Civil Division of the said Court of Appeal shall be confined to causes presently heard by the Privy Council.
The Criminal Division shall be a Final Court of Appeal from Courts of Assize.

The retiring age for the Chief Justice, Justices of Appeal and Puisne Justices shall 65 years unless removed from office by a resolution of the National Assembly passed by a majority of not less than 2/3rds of it membership.

All appointments to the Supreme Court shall be made by the President of the Republic of Sri Lanka, on the recommendation or in consultation with the Chief Justice, two most senior Judges of the Court of Appeal, the Prime Minister and the Minister of Justice.
The ~~first~~ Chief Justice and Puisne Justices ~~shall~~ in office at the inauguration of the Republic shall be the first Chief Justice and Puisne Justices in addition to the Justices of Appeal due to be appointed.

In regard to the Judiciary and the Administration of Justice/~~xxxxxxxx~~ constitutional concepts such as the seperation of powers, and the traditions, conventions of the Bench and Bar of ~~xxxxx~~ of Great Britain presently obtaining in Ceylon should not be departed from.

The Bench and Bar of Ceylon has always maintained the highest standards and traditions of the Bench & Bar of Great Britain, except that Ceylon has had no officer comparable to the Lord Chancellor of England ~~xxx~~ is whose gift are all judicial appointments. As chief judge of the realm, President of the House of Lords, often defending Party Policy in debate, yet maintaining the highest judicial traditions of his country for hundr4ds of years, he has no compere in any other country in the world. History abounds with instances of judicial independence ~~xxx~~ erudition and wisdom of holdres of this office.
Judicial traditions in ancient Lanka, the men who manned the Maha Naduwa the Gamsabawa have similarly reflected judicial qualities of a rare order. I believe there exists a record of a case in our Archives wherein the last King of Kandy sued one of his Ministers before the Maha Naduwa.

In more recent times we have had instances where the the authorities have betrayed a weakness for impatience with judges who dared to be unconcerned with political considerations anent the matter before them. When Mr Justice Ennis upheld the view that the Writ of Habeas Corpus was available to the citizen, despite the proclamation of Martial Law in connection with the riots of 1915, he was ~~deprivedoth~~ overlooked for the post of Chief Justice in favour of a junior judge. On retirement as Senior Puisne Justice, the customary honour of a Knighthood was withheld from him by the Colonial authorities of the day. The personality and uprightness of Ennis as a model judge remains a lasting memory in the hearts the grateful public and the Bench & Bar of Ceylon.
The famous Bracegirdle case is associated not only with the availability of the writ of Habe s Corpus to one whose socialistic activities ~~for~~ the under on ~~tea~~ estates of the British planter. Though the Attorney General of the da had erred in Law on the advice tendered to the authorities, ~~t~~here was not a breath of doubt as to the integrity of the Attorney General. In contrast criticism of a recent holder of this exalted office, who broke with tradi and precedent to go down to the District Court to prosecute, unsucessful that, in a case smacking with political and emotional considerations in a al way.

MEMORANDUM OF THE SENIOR FRIENDS' FELLOWSHIP OF THE STUDENT CHRISTIAN MOVEMENT OF CEYLON TO THE COMMISSION OF INQUIRY ON HIGHER EDUCATION.

This Memorandum contains the views of a representative group of the Senior Friends' Fellowship of the Student Christian Movement of Ceylon. This group consists of persons who have graduated at various times during the past 25 years.

It is regretted that the public has not been provided with sufficient time for the preparation of memoranda and this must inevitably affect the scope and depth of all evidence and memoranda submitted before it.

The Commission faces many difficulties and handicaps. It has been set up in haste without any consultation with the Universities of the country. There is a feeling in some University circles that the absence of consultation was deliberate. The Commission does not include a single person representative of the University Academic Community of Ceylon. The student bodies are not appearing before it. Since some of the Commissioners will not be continuously present in Ceylon, doubts have been expressed whether they would be able to study the problem involved in depth and to participate in the actual drafting of the Report.

1. Functions of Higher Education in the context of rapid social change.

In an examination of the existing system of Higher Education, aimed at making recommendations for its future development in the light of national needs and resources, the functions of Higher Education must be spelt out at the outset. In any clime or at any time the following functions should be considered paramount :-

1. To preserve, advance and transmit knowledge.
2. To stimulate the search for truth.
3. To develop responsibility and maturity of thought and action.
4. To have an awareness of its own necessary relationship to the life of society.

This last function is quite significant. The institutions of higher education must be involved in the changing life of society, with a view to understanding, evaluating and assisting it. These institutions have to play simultaneously the role of servant and critic of the changing Ceylonese society.

It is an accepted fact that there is a vast revolutionary movement of ideas, institutions and peoplesand that profound changes in culture, politics, economics and religion are all occurring together in many countries of the world and in particular in Asia, Africa and Latin America. The elements that favour change are also felt in Ceylon and could be summarised as follows :

1. New ideas about social justice and human rights, and especially the conviction that such evils as hunger and misery can be overcome by the re-organisation of society and political life and new methods of production.
2. The technological revolution which has the double effect of promising economic growth and development and making necessary new patterns of community and family life, or at least the radical modification of old patterns.
3. The idea of national unity based on democratic principles and the rule of law, and supported by a universally literate and informed citizenry.

In the supreme task of nation-building, it must be emphasized again that education can and should play a creative and effective role in modernising the social, cultural, economic and political aspects of life in Ceylon. The institutions of Higher Education, traditionally considered centres of thought and knowledge, should play the constructive role of pointing the direction of change and progress. Hitherto, they have played this role very ineffectively.

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In the context of rapid social change, it is ironical that the Academic Community is not sufficiently alive to the creative aspects of revolutionary desires and aspirations of the Ceylonese community considered as a whole. It cannot be denied that the greater majority of each of the groups which constitute the Ceylonese nation have clearly demanded the creation of a new social order, the egalitarian, more genuinely democratic, more capable of and directed towards raising their living standards (material as well as cultural) than any social system in the past. Since the advent of Independence, more and more people in Ceylon have been demanding education as a fundamental right because they see in education the means of self-advancement, good life and a symbol of social status. People are also making, in a more or less confused way, the demand that they have the right to the fruits of all those human achievements which dignify life, ease the burden of labour, reduce material insecurity and enrich national traditions. But most of them are diffident about their capacities and are still powerless to get a grip on what makes their lives and therefore seek fulfilment of these vaguely perceived objectives.

Any changes effected in the system of Higher Education should therefore take into account the social dynamism of a revolutionary epoch and provide opportunities for the participation of the people in the administration of higher education unlike the present intervention of a high-powered bureaucracy between mass expression and government action. The masses should be given an opportunity to express themselves through their leaders, who are completely responsive to their needs. Any national system of higher education should therefore be an integral part of the total plan aimed at the development of the country for the common benefit of all Ceylonese, with the masses fully participating in it.

In this context, it is very important that the meaning of the way society is involved in education is spelt out i.e. the need to outline without some abstract philosophy, theory or blue print and in terms understood by the layman, how educational planning can meet social needs.

At this juncture it must be conceded that the educational authorities in the last decade have not been unresponsive to the demand for widespread education. There has been an increase of the number of institutions of higher education, the number of students following courses and an extension of financial assistance of various kinds to the students. Consequently, this has resulted in the creation of certain difficult problems to all those concerned with higher education. The problems are reflected in over-crowding and lack of adequate staff, laboratory, library, residential and recreational facilities. To meet these problems, it would be necessary to increase the proportion of expenditure on higher education in relation to general education. This matter will be dealt with in detail later in the Memorandum.

Any consideration of the function of higher education should give special emphasis to the fact that the type of person following courses in the institutions of higher education today is different from his counterpart of earlier decades. The undergraduate of today is a citizen of the present, unlike his predecessor who in the eyes of the University authorities of the past was considered a citizen of the future. The extension of the franchise to those over 18 years has a significance which does not appear to be appreciated adequately by educational authorities. The undergraduate of today being a voter is clamouring for the right to be treated as an adult and a citizen. The educational structure should not place any restrictions which would deny him the opportunity of exercising this right. In this context, ideas such as a separate University for women, segregation of the sexes, restrictions on political activity appear ludicrous.

It must also not be forgotten that the social revolution has brought to the Universities and technical colleges a new type of student, who is different in background and calibre from the previous generation of students. Prior to Independence, education was sought by the upper middle-class and middle-class families with an educational background of the "Western" type. Today the majority of University students come from poor rural families with hardly any educational background. Their background makes it difficult for them to make wise choices in regard to courses of study. Their main aim appears to be to pass an examination, get a degree and secure a job as quickly as possible. The adoption of the national languages as the media of instruction though facilitating mass education, has affected the quality of academic standards as the increase in the student population has not been matched by a proportionate increase

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in the staff to maintain a suitable student-staff ratio. The continuation of a rigid curricula, syllabi and examination systems without adapting it to suit changing needs has seriously affected the ethos of the academic community in the sense that both teachers and students are discouraged from applying themselves to any serious pursuit of teaching and learning. These factors in addition to lowering academic standards have tended to undermine the importance of teachers in the life of Universities and Colleges, to minimise opportunities for healthy and proper relationships between teachers and students, and also to cause a serious breakdown in student discipline. The remedy lies in adapting the higher educational system to suit present needs and therefore an overhaul of the present rigid curricula, syllabi and examination systems is necessary. More widespread facilities to rural students and to poor urban students with regard to vocational guidance and other forms of assistance should be provided. This would be spelt out in detail in a later section.

Though it has been stated that the major emphasis of higher education should be on development - a better, fuller life for all, adequate attention should be paid to moral values. The University as an instrument of technological change has an important function to perform in developing societies, in imparting knowledge of techniques, technical know-how. But it must always be remembered that education cannot be reduced merely to a training in skills; it must retain its fundamental character as a creator of values and goals, a custodian of a higher dimension than the purely functional. University education today is deficient in that apart from certain courses in the humanities, the specific discussion of values, whether and why injustice, cruelty and fraud are undesirable and their opposites desirable, the need for a religion or philosophy as a basis on which human life should be lived fully, is not given proper attention. On these important questions a student is expected to find out for himself. In this quest, certain students who join religious organizations or similar societies are assisted by these bodies. But this is not sufficient as the present tensions and problems among the student community indicate. The institutions of higher education must be alive to this problem and though there are no easy solutions, must make an effort in this regard to help the student population. If education is to play a proper role in the building of character and training of good citizens, Universities and Technical Colleges must endeavour to find ways and means of inculcating in students an appreciation of the spiritual and moral values of life.

The existence of a Higher Education Commission and the fact that the Universities and Technical Colleges are financed by governmental budgetary allocations, gives room for the State to interfere in the affairs of the Universities and control them to a greater or a lesser degree. There is and always will be the tension between the State and the Universities. The Universities have complained that the Government has interfered with the internal autonomy of the Universities with a view to controlling them to a greater or lesser degree. On the other hand, the State would try to justify its action by arguing that its progressive reforms were opposed and frustrated by the academic conservatism of the Universities. This kind of tension between the State and the Universities is healthy as long as the autonomy of the Universities is preserved and the Universities themselves recognise their responsibility to society. It is submitted that serious consideration should be given to the question of the creation of a new Higher Education Commission which would play a constructive role in safeguarding the autonomy and academic freedom of the Universities and in promoting progressive educational reforms. More will be said regarding this matter in the section dealing with University Autonomy.

2. <u>The training of personnel and provision of fields of study in relation to national man-power requirements</u>.

(a) In the first chapter of the Ten Year Plan published in 1959, which dealt with the subject of the long-term strategy of development for Ceylon, it was stressed that educational policy and planning should be geared to meet the requirements of a budget of man-power utilisation. It was also mentioned that on the demand side, the development plan should provide an indication of the number and type of skills required for different purposes. It was emphasised that the educational plan, including vocational and technical training, should be fashioned in terms of supplying these needs. This plan was also expected to be consistent with providing the requirements in man-power and skill for industrial and agricultural development and to adapt the type

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of training provided for white collar jobs to a realistic assessment of opportunities in this field. It was envisaged that this plan may involve certain bold decisions in respect of education policy.

However, the diversification of the educational structure has not been effected in concrete terms. A preliminary survey on Education undertaken by the International Bank for Reconstruction and Development in 1966 spotlighted this feature. It stated that the educational system had expanded without any consideration of the man-power needs of the country or of the financial resources available. It was stressed that the content was heavily weighted in favour of the humanities and the approach was too academic. It might be mentioned here that inspite of the expansion and progress in science teaching and technical education in the last decade, the Government continues to incur heavy expenditure on education in the humanities which is disporportionate to the actual man-power requirements.

The Education policy of the present Government appears to have as its objective the diversification of the educational structure after secondary education in order to produce trained man-power necessary for the planned development of the economy. It is also reported that at the level of general education itself, administrative action is being taken to shift the emphasis from education in the arts to education in the sciences and to improve the content of education. It is imperative that no future development plan should be formulated without the guidance of a detailed programme of man-power development. It is understood that the Ministry of Planning and Economic Affairs is preparing such a programme whose objective is to ensure the best returns on the investment in education, to make a realistic estimate of the resources required to finance it over a long period, and to assess its impact on the allocation of resources for other development activity. It is hoped that the projection would consider the long-term needs of Ceylonese society, with particular emphasis on the next 15 years.

Any discussion of the question of training personnel in terms of national man-power requirements cannot ignore the need for re-orientation and revision of curricula and course content in institutions of higher education. The mere continuation of a system borrowed from Britain without a critical examination whether it serves our present needs is to be deplored. National needs may favour the adoption of a new type of curricula where all students are given an all-round education in both the humanities and sciences at the early stage of the undergraduate level and then provided opportunities to specialize in some field at the later stages. Though not directly relevant, it must be stressed here that there must be a greater concentration of effort in improving the quality of secondary education. Resources must also be made available for the diversification of the secondary programme. There should be a greater degree of liason between institutions of higher education and the institutions of secondary education. For instance, the Departments of Education in the former should play a more important role in raising educational standards than their limited resources now allow. These could be the source of new ideas to give vitality to the system in times of rapid change.

(b) In the promotion of post-graduate study and research, government policy should take into consideration the needs of citizens engaged in various professions, both in the public sector and the private sector. At present members of various professions particularly in the public sector are deprived of opportunities of specialisation in a field of study related to their work, due to various reasons in addition to the play of personal factors. If the institutions of higher education could introduce a scheme of liberal scholarships, this could improve conditions considerably. There are many fields of study where post-graduate courses could be arranged by our institutions, which could be better in content and orientation than foreign scholarships. This could also be a means of halting or at least restricting the brain drain which though not serious now could assume alarming proportions later on. It is admitted that the industrialised nations of the world could help in developing the special knowledge and the skills that we need desperately, but efforts should be made to provide courses wherever possible in Ceylon. In this context there should be closer collaboration between the institutions of higher education and the private sector on the one hand, and the public sector on the other.

(c) An overiding consideration in planning for higher education of the future should be the need to avoid wasteful duplication. At present various parallel

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courses are provided in all four universities - Colombo, Peradeniya, Vidyalankara and Vidyodaya. This no doubt is a strain on the financial resources of the State. A re-organisation of the present arrangements regarding higher education should provide the necessary corrective measures, while at the same time, providing each of these four institutions opportunities to fulfil its function as a University by providing courses in a representative and balanced number of disciplines in terms spelled out earlier in this memorandum. This may require the alteration of the ratio of courses to be provided in the humanities in relation to courses in science and technical education. It is also necessary that more opportunities should be given for students from rural areas in science and technical education. The objective should be to provide equality of opportunity to the rural students and the urban students in the light of the handicaps and disabilities faced by the former. More scholarships should be provided to students from rural areas. Among the other incentives that could be provided to raise the educational and cultural standards in the rural areas are the following :-

1. Widespread library facilities and extension facilities e.g. access to books in English.
2. Vocational guidance to rural students.
3. Incentives to teachers dealing in science and technical education to serve in rural areas e.g. bonuses, special allowances, etc.

3. Governing and Administrative Authorities

The most glaring of the many short-comings in the working of the Higher Education Act No.20 of 1966 has been that the responsibility for planning and decision making in relation to the Universities has been vested in persons who cannot be said to have any standing in the academic world because they have neither post-graduate qualifications nor research publications nor experience as University teachers and therefore can have no real understanding and appreciation of the idea and concept of an University. It is significant that of the original nine appointees to the National Council of Higher Education only three could be regarded as persons of academic standing (as defined above) and of these only two had been University teachers. The great majority of the members therefore had had no previous relationship or connection with an University except that some of them, about thirty years or more earlier, had been undergraduates in an University very different from the Ceylon Universities in the 1960's. To a similar degree the Boards of Regents of the Universities also were manned by those who had little or no experience in the working of an University. There are instances where persons who had no prior connection with Universities acted as Vice-Chancellors. Thus the responsibility for policy making has been vested in persons who have conspicuously failed to appreciate the idea and concept of an University but have nonetheless pressed their views and opinions and have been able to implement them, in the absence of academic representation on the NCHE and the Boards of Regents of the four Universities. This has been a notable factor which has contributed towards complicating the problems confronting University education today. And this process of conferring responsibility for policy making to persons who have no experience of University teaching has been perpetuated in the two local appointees to the Commission.

It is therefore vital that a new Higher Education Act should make it impossible for persons who have no experience in University affairs to be appointed to and to control the governing bodies of the Universities. It should therefore be written into the statute that the majority of the members of a Higher Education Commission (or any alternative to it which the Commission may suggest), the Board of Regents (or any alternative to it), should consist of persons with five years experience as University teachers. A "University teacher" in this context would also include persons who have been visiting lecturers.

A strict formula spelt out in the Act is essential. If the Act provides that the appointees should be persons of "academic standing" this is not enough, because any person could be appointed under the guise of "academic standing". It is also vital that students be represented in

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University administrative bodies (see section 4(c) of the memorandum), and that more lecturers - not merely Professors and Deans are drawn into the governing and administrative agencies of the Universities.

The Thistlewaite Report on the University of Colombo recommended that the "Schools" system be adopted. There is much to be said for this system according to which each discipline will periodically elect a Chairman from among the members of the School. This would mean that a person elected Chairman would be elected for his administrative ability and need not necessarily be a person who has been awarded a Professorship in recognition of academic distinction.

The procedure for appointment of a Vice-Chancellor both under the Higher Education Act and prior to it has proved unsatisfactory. Prior to the Act, University personnel participated in the election and this led to victimisation of those who opposed the Vice-Chancellor elected and favouritism towards those who supported him. The present procedure is equally unsatisfactory and has led to appointment of Vice-Chancellors who had no earlier adequate understanding of the manner in which the University worked. It is suggested that a Vice-Chancellor of a University should be selected by a Board consisting of persons designated by reference to office e.g. the Vice-Chancellors of the other Universities, Director of the Ceylon Institute of Scientific and Industrial Research, Director of the Ceylon College of Technology, the Principal, Law College, the General Secretary of the National Science Council, Heads of the Research Institutes for Tea, Rubber and Coconut, President of the Royal Asiatic Society, Commissioner of Archaeology, a representative of the Arts Council. The Board will thus be composed of persons who could make a knowledgeable choice.

The selection of Professors as in the case of the election of the Vice-Chancellor before 1966, has led to much internal strife within the University. It also happens that the majority of the members of the Selection Committee, even though they be academics are from different disciplines. Thus there may be only one Historian in a Committee selecting a Professor of History. It is suggested that the proposed University Act provides that on the new Act becoming effective, the Board of Regents, on the recommendation of the Senate, draw up rules providing for Committees composed of persons designated by reference to their office for <u>each</u> Chair in the University e.g. the rules would provide that the Professor of History be selected by a Committee consisting of the Vice-Chancellor, the Professors of History in the other Universities and persons with a background in history e.g. the Commissioner of Archaeology, a representative of the Royal Asiatic Society.

The Higher Education Act enacts that the Vice-Chancellor shall be the "principal executive and academic officer". Some of the Vice-Chancellors after the enactment of the Higher Education Act have been over-burdened with administrative functions, which may with advantage have been exercised by the Secretary. The less important role played by the Secretary has been reflected in the fact that the Act provides that the Secretary shall be a person temporarily released from the public sector for a limited period. The Act does not specify that the Secretary shall be from the top rungs of the public service and most of the appointees to the post have been from the Education Directorate.

Further the person who is selected has no abiding interest in the University and also invariably had no previous idea of the manner in which an University works. In a new set up, it is desirable that the importance of the post of Secretary be recognised so that the Secretary relieves the Vice-Chancellor of many of his non-academic administrative burdens and leaves the Vice-Chancellor to fulfil his role as the academic head. The Secretary of an University must be a technocrat - an experienced and able administrator as well as a person with academic qualifications.

In the present governmental structure, University education is seen as a branch of the bureaucratic educational structure and administrators without experience in University affairs nonetheless exercise considerable power.

The autonomy of the University has been severely eroded in recent years. This process reached its extreme when the Ministry directly interfered in the creation of Professorships and suppressed two Chairs after the Selection Committee had elected the candidates.

It is desirable that the Higher Education Commission be an autonomous body which does not come under a particular Ministry, but reports directly to

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a Special Committee of Parliament. This Special Committee would be vested with powers to investigate and report on (but not to interfere with or control) the activities of the Higher Education Commission. It is conceded that complete autonomy does have its drawbacks and that the Universities could (as did happen in the 1950's) be completely out of step with the changes taking place in the country. But consequent to the events of the last three years when the Education Ministry - often without any appreciation of academic problems - have interfered in University affairs there is no alternative but to ensure academic freedom. But this freedom would not be the unfettered and complete autonomy of the 1950's because if the above proposition is implemented it would be subject to the constant scrutiny and criticism of the Special Committee of Parliament. The task of preventing the alienation of the Universities from the currents of national life, will thus primarily rest on the University community itself (staff and students). The Special Committee of Parliament, criticism aired in Parliamentary debates, an active public opinion and public pressure will have their respective roles to play. This alienation referred to earlier is less likely today when the University students and staff (particularly in the Arts Faculties) are more representative of the people of this country, and do not come from the privileged sections of the community as in the 1950's. Further the Special Committee of Parliament would ensure that the Universities will be more subject to Parliamentary pressure (and thereby public opinion) than they were in the era before the Higher Education Act.

If however it is felt that every state financed institution be under a Ministry, it is desirable to set up a separate Ministry for Higher Education. This Ministry should not come under the Minister who is responsible for general education. The Ministries of Science and Higher Education could come under one Minister and it is desirable that such Minister has some knowledge of (not necessarily be a specialist in) Higher Education and that the Permanent Secretary be a technocrat - an academic cum administrator. As in the case of the Permanent Secretary to the Minister of Planning, the Permanent Secretary to the Minister of Higher Education should be a specialist/administrator.

It is vital that the process of conferring authority both within and without the University on administrators (the number of administrative officers has multiplied at an alarming rate) who have little or no appreciation of academic problems be arrested and reversed so that persons of academic standing and knowledge, the Faculties and the Senate which have been by-passed in recent years will once again play their proper role in University education.

4. Student Unrest

It is not intended to analyse the causes of student unrest. But some method of relieving it are suggested.

(a) Increase of Higher Education grant

The Government view is that it does not have sufficient funds to substantially increase the grant for University education. This view seems to be reflected in the public attitude that enough money is being spent on University education. It is however submitted that the University grant must be substantially increased. The attitude of the government and the public appears to be based on a misunderstanding of the facts. It is unfortunately not appreciated that though the total expenditure on Education in Ceylon is high when compared to other countries, that by comparison the sum spent on University education is very low. The percentage of government expenditure on University education as compared to (a) sum spent on education as a whole and (b) total government expenditure is very low as compared to other countries. The fallacy of the idea that the sum spent on University education is adequate is illustrated by the following table which spotlights that the percentage of G.N.P. spent on Higher Education is about 0.2 percent (the sum spent on University education being considerably less).

		1964-65	1965-66	1966-67
1.	Total Govt.expenditure on education	373.9 M	367.6 M	358.8 M
2.	Government expenditure on Universities and Institutions of Higher Education	16.0 M	18.5 M	19.4 M
3.	G. N. P.	8012.8 M	8328.4 M	9052.4 M
4.	% of G.N.P. to Higher Education	.199	.222	.214
5.	% of Education vote spent on Higher Education Institutions.	4.3	5.0	5.0

It must be noted that the figures relate to expenditure on Higher Education and that therefore the sum spent on University education is less than that quoted above. Further the increased grant over the years reflects the amount spent on setting up many new Junior Universities and therefore the sum spent on University education could be said to be decreasing, in relation to an expanding G.N.P. A comparison of the figures of other countries is revealing and illustrates that expenditure in Ceylon on University education as compared to expenditure on education as a whole compares very unfavourably with other countries.

	% of GNP to Higher Education	% of Education Vote spent on Higher Education
Ceylon	.2	5.0
Australia	.7	28.3
Canada	1.2	23.6
U.S.	1.1	26.7
U.K.	.8	25.1
U.S.S.R.	13.7	13.7
Thailand	.2	10.4
Burma	.2	10.4
Ghana	1.2	30.3
Malaysia	.2	6.1
Japan	.4	12.6

The parsimonious attitude of the government and public towards expenditure on University Education must also be viewed in the context of the considerable wastage of funds in the public sector.

It appears from the above figures that the sum spent on University education as a comparative figure is very low. It is thus vital that more money both capital and recurrent be voted for this purpose. It is unfortunate that the returns from money invested on University education, unlike that on industrial and agricultural projects cannot be economically justified on the basis of calculations and estimated profits. (Money is voted for industrial and agricultural ventures on the basis of an estimated return - which in Ceylon seldom approximates to the original estimate). But money spent to improve the quality of University education, quite apart from relieving student unrest, must have a tremendous beneficial influence and effect on the development of the country in that graduates who are destined to fill important positions would be better equipped for their tasks.

The University grant must be increased (i) so that every student who cannot afford to maintain himself be given a loan of Rs.100/- a month (an additional sum for purchase of scientific instruments where necessary), (ii) for provision of better facilities, (iii) for recruitment of more staff so that students may have more tutorials with less numbers attending each tutorial and (iv) so that salaries of University lecturers be such that the Universities be able to attract the best talent.

The lack of sufficient staff to maintain an adequate staff-student ratio, the inadequate library facilities (only Peradeniya has a library which is worthy even to some extent of an University) the economic issues students face, the lack of student facilities (a student centre) which foster the growth of an University community, are all factors which must affect the quality of the graduate that the Universities produce.

Capital expenditure must be voted for expanding the libraries and in the three non-residential Universities for a large student centre, with lockers for each student, reading rooms, cafeterias, bathrooms and other facilities, so that the students who live in uncongenial surroundings, not conducive to study, could spend the greater part of their day and do their studies in the University premises and leave it merely to sleep at night.

It is also important that funds be voted for an intensive programme (with personal supervision) for teaching of English to all University students who do not know it in order that they may be able to read the literature available in English in the disciplines they are pursuing.

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(b) Understanding the student mind and student problems

The majority of politicians, the general public, administrators and some dons do not appear to understand the point of view and the outlook of the students. The problems and hardships of the majority of the Arts students who come from poor homes are not easily appreciated by those who come from a different environment.

Positive efforts must be made to bridge the generation gap at all levels of society and this can only be achieved on the basis (i) that the students are more sinned against than sinning and (ii) a real effort is made to understand the student point of view. The views of the older generation are given continual publicity, particularly in the newspapers, while the student point of view by comparison receives little prominence.

The student is often criticised. But by comparison the faults of the older generation are not spotlighted in the same way and at the same time. Many persons in authority in both the public and private sector are concerned with bettering their prospects and promotion regardless of the qualifications and ability of others, of using their position for jobs or promotions for friends and relatives, using their influence to help their business friends, using political pressure to achieve their ends, evading income tax etc. There are influential persons in the private sector who are busy amassing wealth while exploiting workers and evading the operation of labour legislation, evading or breaking the exchange control laws and wasting foreign exchange in the process, pressurising public policy as a consequence of the influence they have etc. There are persons in authority in the public sector who are subservient to politicians and exert political pressure for their own ends. Corruption and neglect of duties are present at all levels. Are all those who continually condemn and criticise students, free from blame, and could it be said that the faults of the students are more grievous than those of their elders?

(c) Authoritarian structures and student participation in University administration

The continuing unrest in the Arts Faculties of the Universities has compelled the University administration to talk with the students. But no dialogue has been possible. The administration complains that students quietly listen to what is said to them without opposition and go out and at student meetings say something completely different and abuse the administration. Before condemning the students and adopting the approach that a dialogue is useless, the question may well be asked what is the reason for this two-faced attitude.

We are living in a very authoritarian society in which both in the home and the office - the young must listen to and carry out the orders of the elders - and the subordinate in status must act in like manner and listen to and carry out the orders of a superior. In this situation the views, individuality and reasoned disagreements of the youth or subordinates does not carry weight. The student of today is often torn between on the one hand respect for the authoritarian structures which has been inculcated into him from his youth, and on the other hand belief in his individuality and his right to free speech and thought in a free society and his fundamental disagreement with the views of authority, sometimes uninformed, sometimes corrupt, sometimes completely out of touch with the present, sometimes unreasonable. It is this conflict of personality within the student that expresses itself in the two-faced attitudes which Arts student leaders manifest in their dealings with the University administration. Authoritarian attitudes are less rigid in city homes and therefore the city student (who is in a minority in the Arts Faculties but in a majority in the Science and Medical Faculties) is more likely to be able to express his disagreements and carry on some sort of a dialogue with the administrator.

It must be stated that this two-faced attitude is not confined to students, but exists in the public service. What is demanded of a public servant by some superiors is not initiative, the spotlighting of injustices and inconsistencies in the department, but subservience to authority and to politicians.

A more meaningful dialogue will take place between student leaders and the University administration as the authoritarian structure in the country

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gradually breaks up. But certain positive steps may be taken within the University itself. It is vital (i) that the reasons for administrative decisions (not merely the decision itself) must be communicated to the student and (ii) that the students are consulted before decisions are taken. The authoritarian structure in the University community must give way to dialogue and partnership. Therefore it is suggested that the students should be permitted to elect their representatives to serve on the Commission of Higher Education, the Board of Regents and the Senate. It is suggested that 30 percent of the above be composed of representatives elected by the students. In order to prevent students electing political leaders to represent them, it is suggested that their representatives should be chosen from among employees in the public sector. Students should be directly represented on Disciplinary Bodies and in the Faculties, though certain matters on the agenda at Faculty meetings (e.g. relating to examinations) could be regarded as confidential to be discussed only by the academic staff.

(d) Discipline

Discipline is such a fundamental issue that student participation in University disciplinary agencies and the enforcement of discipline merits special consideration. But much of what has been said above about student participation and authoritarian structure is relevant in this context.

Under the Higher Education Act, it is provided that the Vice-Chancellor is responsible for discipline and that the Board of Regents advises the Vice-Chancellor on discipline. In practice the Board of Regents exercises considerable influence on the Vice-Chancellor in the exercise of his powers. The consequence has been that the effective power in regard to disciplinary action has been conferred on persons who are outsiders and who have no real appreciation and understanding of the problems and issues involved.

A policy of Discipline must be centred upon the individual students welfare, or, as it has been described elsewhere e.g. in the U.S.A. as the adoption of "an educational problem - solving approach to discipline". A purely deterrent disciplinary policy wherein a threat of discipline (e.g. suspension) is typically used for "Student Protest" manifestations must be avoided.

Maintenance of law and order within an agreed code of conduct must not vitiate the purposes of a University community. Law enforcement must be sensitive to modes of conduct designed for particular purposes. For example, the militant quality of speech in student "protest movements" must in some ways be defended among a community of scholars in a free society pledged to uphold the principles of free speech. This is particularly so when it is employed for a justifiable academic purpose. Civility of language cannot be controlled by Rule. As has been pointed in Berkeley, University of California after 1964, there has to be "an increasing recognition that free speech has some costs, including toleration of new sounds, and combination of sounds, as well as some reconstruction of what we mean by "order".

A policy of discipline must also take account of the fact that lowering of the age of voting to 18 means that all University students (the majority of whom are in any event over 21 years) are adult citizens. Thus they must be treated as adults. But the tendency is to treat and punish University students like school children and take disciplinary action and steps against them the like of which no employer would dream of taking against his employees. University students must be treated as adult members of an intellectual community - if they are so treated many problems of discipline will be eased.

But yet much of University discipline centres around treating University students as school boys with an intolerance of free speech, punishing or too drastically punishing students for acts which may be ignored or punished less drastically.

Students have been suspended without inquiry for a year or indefinitely for being the leaders of a strike, for making fiery speeches, threatening violence, for holding meetings without permission during a strike and for threatening to break University rules, in the absence in all the above cases of specific acts of agression against person or property. The severity of these punishments must be viewed from the angle that students so punished were Arts students many of whom came from poor homes and who suffer considerably

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financially. Students suspended indefinitely with no prospect of graduation end up as discontented and frustrated individuals.

Students have been suspended in some Universities without inquiry or without receiving prior information of the charges against them and a fair opportunity of presenting a proper defence. An inquiry is imperative in all cases where a suspension of students is involved. The view that, if the Vice-Chancellor or a responsible person sees an act of indiscipline taking place punishment may be imposed without an inquiry cannot be accepted. In such a situation there is always the possibility of a mis-carriage of justice, say due to mistaken identity. Furthermore such an apparently arbitrary procedure, though expeditious, also violates the well established principle of natural justice according to which not only must 'justice be done, but justice must appear to be done'. Where a student is suspended without an inquiry, this gives rise to a feeling of injustice among students and is interpreted as just another manifestation of the existence of an unfeeling arbitrary authority functioning over their heads.

A policy of discipline has a greater possibility of success if it is evolved with student participation. The Enactment of Rules and Regulations, and their subsequent amendment, should be the specific function of a University Rules Committee. This body should consist of an equal number of student nominees and staff representatives. The Assistant Secretary in charge of student affairs should be an ex-officio (non-voting) member. The student nominees, at least, one per Faculty, should be nominated by the Students' Council for a period of two years. The staff representatives should be elected from the Faculties and one from the Senate and could function for a period of two years. Under Section 56 of the present Higher Education Act disciplinary rules are made by the Board of Regents and require the assent of the Minister.

The enforcement of discipline should be in the hands of a Committee consisting of six University staff members (including the Proctors) and two student representatives. Such composition ensures that the responsibility for discipline is kept entirely within the academic community with student participation and ensures that the responsibility for discipline is vested in those who have an appreciation of student problems and are likely to have a better understanding of the background to, and the facts of any University crisis, than for instance members of the Board of Regents, who come to the University only for meetings, but in the present set-up are in a position to exercise considerable influence in the administration of discipline.

Student strikes are now part of the life of the University community. During a strike the Vice-Chancellor should negotiate with and endeavour to meet the reasonable demands of students, instead of insisting that they return to work before considering their grievances. This is the only course which could be taken by a liberal academic head, particularly because under existing circumstances the students feel with some measure of justification that until they strike their grievances are not taken seriously. A student should not be suspended merely on the grounds that he was a President or Office-bearer at the time of a strike, or on the grounds that he exhorted other students to strike.

Both University administrators and the general public seem to suffer from a phobia about student participation in politics which colours and distorts their values and their judgements. The lowering of the voting age to 18 has rendered this inevitable. But this is nothing new and students of all generations living today have been interested in politics. The main causes of student unrest are not politics and outside politicians (this is the delusion of the older generation) but student grievances and the lack of communication between authority and student.

In short students should be punished for specific acts of aggression and rhetoric and extremities of speech must be tolerated as one of the essential costs of free speech. Students must be treated as adult citizens and their right to strike must be recognised.

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Freedom of Education, the right to education and external examinations

This Memorandum has stressed above the planned use of the resources of the State in providing for Higher Education. The importance of providing opportunities to all who require or wish to acquire a higher education must be emphasised. The long accepted concept of education for educations sake is also noted. Such facilities could be provided at this stage of our country's development with minimum expenditure to the State.

The external examinations of the University of London fulfilled this need for several years. A large number of working people both in Government service and the private sector availed themselves of this opportunity to obtain the Bachelor's degree or professional qualifications. Young people denied the opportunity of a University education due to personal circumstances or the highly competitive nature of admissions to the University in the 1940's and 1950's, utilised this opportunity. Students and teachers had confidence in the external examinations of the University of London, and London graduates stood a fair chance when selections were made for employment.

With the termination of the London examinations, the transition to the external examinations of the University of Ceylon has not been satisfactory. External students have been treated with utter lack of consideration. The external examinations have been treated by the University staff as a burden inflicted on them! There has been considerable delay in the release of the results of the external examinations. Among external students there is a lack of confidence in the examinations and examiners. The same question papers are set for the internal and external students giving the internal students a definite advantage over the externals.

Perhaps the University of Ceylon as presently structured with a limited staff cannot cope with the work that the large number of external registrations require. The transition to swabasha as the medium of instruction took place at the same time that the Universities decided to conduct external examinations. This has led to an increase in the number of external students.

To remedy the shortcoming that have been pointed out, it is suggested that the conduct of external examinations be given to an independent examinations syndicate. Such examinations need not necessarily be held at the same time as the internal examinations of the University of Ceylon. Question papers should be different from that of the internal students, giving the externals a wider choice (e.g. B.A.History paper of 3 hours duration where the student is required to answer 4 questions, the University of Ceylon paper gives 10 to 12 questions, whereas the London University External paper gives as many as 16 to 20 questions). It must be remembered that external students are mostly working people, preparing largely through private study.

It is desirable that some kind of recognition be given to institutions that cater to the needs of the external student. To begin with the kind of recognition that the London University gave may be granted, such as publishing results under the name of the College where the student followed his course of studies and recognising official correspondence between the College and the examining body. This may eventually lead to affiliation.

The existence and growth of free and independent academic communities imparting higher education is important in Ceylon today. It is recognised that the State is justified in assuming responsibility and exercising control over high school education. But as it is, University education because of national needs has also come under the direction and control of the State. It is undesirable under any circumstances that all Higher Education should be under State direction and control. This is all the more undesirable in a plural society such as ours. Independent academic communities in the form of University Colleges are important to safeguard freedom in education.

Development and planning requirements have brought the existing Universities under greater government control. Such control exercised through the Minister of Education has had undesirable consequences. Resignations and departure from the Universities here to Universities abroad by distinguished scholars has been partly due to this.

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The need for some totally autonomous University Colleges with or without State support is therefore important. Ceylon is, and aspires to continue to be, a free and democratic country. with a mixed economy. The two major political parties have accepted the concept of a Social Welfare State with active collaboration between the State and the private sector. In such a society, side by side with State Universities, there should be autonomous University Colleges as in India, providing higher education. The State will have to actively encourage and nurture rather than obstruct such institutions in Ceylon.

It is evident that at the present time such institutions are run by religious denominational groups or minority groups. More such institutions run by the majority community and secular independent bodies are desirable. Encouragement and support by the State and the private sector will help the growth of such institutions.

Today there is a growing demand for higher education in Ceylon. This is natural taking into account the growth in population and the vast extension of facilities for high school education. At the same time, the Universities have raised and tightened the qualifications required for admission as internal students and registration as external students. Students have been pressurised into intense competition. Educational planning must give attention to this factor. Students must be relieved from the examination oriented intensely competitive nature of education today. The free availability of educational opportunities for working people will help. It may act as an incentive for young people at about the age of 18 to seek jobs or avenues of self-employment such as in Agriculture and postpone the acquirement of a degree, for example in the liberal humanities to a later day.

CONFIDENTIAL

No. R.

AUDIT OFFICE,
COLOMBO 7, 17th November, 1959

The Chairman,
Public Accounts Committee.

Sir,

Food Purchases - Egyptian and Spanish Rice

At a meeting of the Public Accounts Committee on 12th August 1959 paragraph 89 of my Report for 1957-58 (Parliamentary Series No. 19), in which I referred to certain purchases of rice from Egypt and Spain, was brought to your notice by the Secretary of your Committee.

As I was due to visit Cairo in connection with the audit of Missions abroad, your Committee, after preliminary discussion of the paragraph, was of opinion that it would help them considerably in their examination of the accounting officers concerned if I could look into these purchases more fully when in Egypt; and in this connection I was directed to go to Spain as well, if necessary, before my return to the Island.

The following further information gathered by me may be placed before your Committee :

2. Purchase of 20,000 metric tons of Egyptian Rice at £.34. 3. 6 per ton in November 1957 paragraph 89(ii)(b) of P. S. No. 19.

(i) Enquiries made by me in Cairo disclosed that the Egyptian Rice Mills, who supplied the rice to the Food Commissioner, had provided in their original quotation of £.34. 5. 0 (Sterling) for a commission to be paid to Messrs. Wilson & Co. (Managing Director, D. M. D. Wilson, P. O. Box 1115, No. 103

Maliban Street, Pettah). This quotation, which was cabled to the Food Commissioner by the Egyptian Rice Mills, was received by him in Ceylon on 14th November 1957; it was subsequently reduced by this firm to Egyptian £.33. 180 (£. 34. 3. 6 Sterling) as a result of the negotiations between the S/A & F. (Mr. K. Alvapillai) and one of the Directors of that firm, who was one of the six rice merchants interviewed at the office of the Ceylon Legation by the S/A & F while in Cairo on 24-26th November 1957.

A Director of the Egyptian Rice Mills whom I interviewed, informed me that the reduction in the original quotation was, apart from other factors, made possible because the provision for commission was eliminated when he became aware during his interviews with the S/A & F on 24-26th November 1957 that he (the Director) was dealing with the purchaser. According to this Director it was a recognised practice to include in quotations to Ceylon, sent to the Food Commissioner, a commission to an agent in Ceylon.

(ii) The unsatisfactory feature in this purchase is that the rice was of a glutinous type not popular in Ceylon, and most of it had later to be sold (to Indonesia) at a considerable loss. That this rice was glutinous and not likely to be acceptable in Ceylon appears to have been known to the Food Commissioner (Mr. Jayanetti). This is borne out by the following :

(a) Mr. Jayanetti's minute dated 18th October 1957 (in Food Ministry File No. CA-7073) is reproduced below :

> "I discussed this cable c̄ Hon Min and I pointed out that the rice is glutinous and consumers will complain if this rice

is issued under rationing scheme. Moreover our rice position is not so bad except towards end of Jan : Indications are that prices are declining. If China sends 16,000 tons from Vietnam as promised earlier the stock position wd. improve by end Jan : 1958.

Pse. s. to Mr. Alvapillai, S.A. & F.

Intld. .....
18/X"

(b) Telegram dated 11th November 1957 sent to Minister for Ceylon in Egypt, Cairo (No. 41 in Food Ministry File No. CA-7073) reproduced below :

"No. 27. Intend purchasing 20,000 metric tons white rice 25% or 35% brokens December shipment provided rice non-glutinous. Have cabled Miscromex & Bigben Alexandria and others for quotations. You may also request Trade interested to quote on above specifications before 15th November, airmailing rice samples. Please indicate export duty payable by Ceylon and whether, if 50,000 tons rice purchased on our specifications what will be reduction in export duty. Essential rice should be non-glutinous."

(c) Letter dated 13th November 1957 addressed to Secretary to the Treasury by Actg. S/A. & F. (Mr. Jayanetti) (No. 44 in Food Ministry File No.CA-7073) reproduced below :

"Intending Exporters of Egypt rice had airmailed various samples of rice which however were found to belong to the glutinous variety. Consumers in Ceylon do not like this variety. The Food Commissioner however has cabled the various exporters of rice to quote for 20,000 tons of rice and also to airmail samples of rice ..... If the quality of rice and the price of such rice is acceptable, then the Food Commissioner will arrange to buy 20,000 tons of rice from Egypt..."

NOTE : The underlining in the quotations in this report are mine.

(d) Telegram dated 14th November 1957 to the Ceylon High Commissioner in the United Kingdom and repeated to the Ceylon Minister, Cairo (un-numbered copy in Food Ministry File No. CA-7073 between Nos. 48 and 49 in file) reproduced below :

> "Food Commissioner has cabled various exporters of rice to quote for 20,000 tons of rice and also to airmail samples. Earlier samples indicate Egyptian rice belongs to glutinous variety not acceptable to Ceylon consumer. Food Commissioner has also cabled ..... If quality of rice and the price of such rice is acceptable then Food Commissioner will arrange to buy 20,000 tons of rice from Egypt. Contents of this cable have been conveyed to Alvapillai at present in Rome. Will be possible for Alvapillai to discuss matters with Egyptian authorities about end of November or first week of December."

(iii) That the S/A & F (Mr. Alvapillai) was aware of the views of the Food Commissioner regarding the unsuitability of the Egyptian rice proposed to be purchased cannot, I think, be disputed. Mr. Alvapillai however chose to ignore these views. According to Mr. Alvapillai, "it is incorrect to say that the rice was known to be unpopular in Ceylon. It is incorrect to say that the rice was glutinous. The actual fact is that the rice is semi-glutinous. Even the China rice is semi-glutinous. It is a question of the degree of gluten. Actually the local opposition to the rice was partly political." (Extract from note attached to letter from Mr. Alvapillai dated 30th July 1959 addressed to me).

Mr. Alvapillai, who did not consider that the Egyptian rice was unsuitable for Ceylon according to his explanation quoted above, was motivated in making this purchase -

> "(a) to meet an anticipated shortage during 1958; and
>
> (b) to promote our tea trade with Egypt."

As regards (a), Mr. Alvapillai's statement is his opinion. It should be considered in conjunction with Mr.Jayanetti's minute of 18th October 1957, which is reproduced at (a) on page 2 of this Report.

As regards (b), Mr. Alvapillai's explanation appears to be supported by :

(1) A telegram dated 7th November 1957 from the Ceylon High Commissioner in the United Kingdom (No. 39 in Food Ministry File No. CA-7073) reproduced below :

> "No. 392. From Minister of Commerce to Minister of Finance. Begins. The Egyptian Government is prepared to give special terms for Ceylon purchase of rice. Before I left I was informed that Ceylon could buy at least 20,000 tons from Egypt. The Permanent Secretary, Food, on his way to F.A.O.Conference in Rome, had intended negotiating the purchase. I find no steps have yet been taken. The purchase of 20,000 tons of rice would give us the necessary funds for fresh shipments of tea. Please expedite rice purchase so that we could continue our tea shipments without a break. If there is any further delay in tea reaching Egypt there is an immediate danger of Egypt placing a 2,000 ton order with India. Our Minister in Cairo has informed me that the Egyptian Supply Minister has postponed a decision till the 13th of November and I have to give a reply before that date whether we are in a position to ship further quantities of tea or not. If we do not reply by 13th or, if we say we cannot enter into a contract ..... with India for a large quantity of tea.
>
> NOTE : Some words omitted. Repeat called for."

(2) A telegram dated 11th November 1957 to the Minister for Ceylon in Italy, Rome, (No. 38 in Food Ministry File No. CA-7073), relevant extract from which is reproduced below :

> "No. 116 Secret. Your telegram No.50. Following from Jayanetti Food Commissioner to Alvapillai ..... Mincom has cabled

Minister of Finance that you intended negotiating purchase of rice from Egypt but so far no action taken. Minister of Commerce fears that if Egypt rice 20,000 tons not purchased for Ceylon Egypt might place a 2,000 tons order for tea with India. I have discussed with Minister of Food who is of opinion that we are prepared to purchase Egypt rice if price and quality acceptable to us. As no finality has been reached with Chinese regarding shipment 50,000 tons ..... It will be desirable to purchase Egypt rice provided price and quality acceptable to us."

(iv) Apart from Mr. Alvapillai's explanation referred to and commented on in the preceding paragraph, his purchase of this rice is also covered by a directive from his Minister. There is a minute dated 13th November 1957 made (presumably by Mr. Jayanetti) on the copy of the telegram from the Minister for Ceylon in Italy, Rome, (No. 46 in Food Ministry File No. CA-7073) which reads as follows :

"Cables 53 and 54 shown to Hon Min. Hon Min. authorised Mr. Alvapillai to negotiate purchase of 20,000 tons rice at best possible price. Mr. A. can be accordingly infd. and that lowest offer received by F.C. will be cabled.

Intld. .....
14/XI"

Consequent on the Minister's order - vide minute above - the telegram dated 15th November 1957 (No. 49 in Food Ministry File No. CA-7073) was sent to the Minister for Ceylon in Italy and repeated to the Ceylon Minister in Cairo. This telegram reads as follows :

"Addressed Ceylonmin Rome No.118 repeated Ceylonmin Cairo No.30. SECRET. Your telegrams Nos. 53 and 54. Minfood approves negotiation by Alvapillai purchase of 20,000 (repeat 20,000) tons rice at best possible prices. The lowest offer received by the Food Commissioner in the meantime will be cabled to Alvapillai."

3. Purchase of 10,000 metric tons of Spanish Rice at £.37. 10s. per ton in January 1958 - paragraph 89(ii)(c) of P.S. 19

(i) When this purchase was queried in audit the Food Commissioner (Mr. Jayanetti) stated as follows :

> "I interviewed the Director of Commerce and Trade and made inquiries as to the availability of rice for export to Ceylon. He informed me that licences had already been issued to cover the available exportable surplus and that according to his information it would not be possible for Ceylon to buy any rice from Spain. Nevertheless I contacted a number of firms all of whom informed me that they were unable to contract for its export to Ceylon. However there was one exporter who said that he had 10,000 metric tons available at £.37. 12sh. per metric ton f.o.b. stowed. Although I felt that negotiations with him might not result in a reduction of price in view of the fact that no other exporter possessed a licence for export to Ceylon and also because stocks of rice were not available for export, I was able, despite these obstacles to bring down the price by 2 shillings and closed the offer at 37. 10 per metric ton f.o.b. stowed."

I inquired into this matter on my visit to Madrid. When I visited the Spanish Ministry of Commerce and met the Chief of the Export Services of that Ministry, he informed me that no export licence had been issued to Mr. Martin Sperling with whom the Food Commissioner had negotiated and entered into a contract for the export of Spanish rice. According to this official, the licence to export rice to Ceylon was issued to the "Compania Hispana." This licence * provides for the export of 10,000 metric tons of rice to Ceylon by the "Compania Hispana" at £.37. 0. 0 per metric ton.

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* A photostat copy of the licence and documents relating to the transaction are available and will be produced to your Committee.

At the discussions which I had with the officials of the "Compania Hispana", I was informed that the rice to Ceylon was supplied by them on the export licence, referred to above, issued to them by the Ministry of Commerce. I was also informed that Mr. Martin Sperling, with whom the Food Commissioner had entered into a contract, was neither an agent nor official of the "Compania Hispana". Mr. Sperling, according to their information, was a broker resident in Barcelona who, knowing that the "Compania Hispana" had export licences or could obtain them, offered Spanish rice to foreign purchasers hoping to negotiate with the Company and make a commission on the deals put through. The "Compania Hispana" were not aware that Mr. Jayanetti had come to Madrid to purchase rice, nor did they know how Mr. Jayanetti came to contact Mr. Sperling. Mr.Jayanetti might be examined by your Committee with a view to ascertaining how he came to negotiate with Mr.Sperling (in this connection reference is invited to paragraph 3(iii)(a) of this Report).

In the transaction under inquiry, Mr. Martin Sperling contracted for the supply of rice to Ceylon at £.37. 10. 0 per metric ton and in terms of the contract an irrevocable, divisible Letter of Credit was opened for him at the Banco De Bilbao, Barcelona, on the instructions of the Food Commissioner, for a sum of £.393,750 (later transferred to Bank of Ceylon Branch in London) to enable the former to obtain payment for the supply. According to the documents furnished to me by the "Compania Hispana" and the information I gathered through the Bank of Ceylon Branch, London, Mr. Sperling divided this Letter of Credit between the "Compania Hispana" and himself.

The "Compania Hispana" were given a Letter of Credit for £.388,500 for the rice to be supplied by them (i.e. at the rate of £.37. 0. 0 per metric ton) and the balance £.5,250 was appropriated by Mr. Sperling. I have no evidence, nor is it practicable for me to set about collecting evidence, as to whether the £.5,250 received by Mr. Sperling was shared with anyone else.

(ii) The reply furnished by Mr. Jayanetti (quoted earlier) to the audit query on this transaction shows that he was aware of the system prevailing in Spain for the issue of export licences for rice. He should therefore have, as a normal business precaution, before he came to any agreement with Mr. Sperling for the export of this rice to Ceylon at £.37. 10. 0, requested him to produce an export licence or, if Mr. Sperling was expecting to obtain a licence, have consulted the licensing authorities in Spain regarding his ability to do so. Consequent on Mr. Jayanetti's failure to do this, the Ceylon Government were committed to pay and paid 10 shillings more per metric ton (amounting to £.5,250 on the entire consignment), than if he had dealt direct with the dealer who actually supplied the rice.

(iii) Other information which may have a bearing on this transaction and may be of interest to the Committee is as follows :

(a) On 17th January 1958, i.e. the day before Mr. Jayanetti left for Cairo, he received a telegram from the "Vijaya Corporation" of Calcutta offering 50,000 metric tons of Spanish rice at £.40. 18. 0 per metric ton. Mr. Jayanetti was accompanied from Cairo to Madrid by a Mr. V. K. Menon of Calcutta.

That a Corporation in Calcutta should have been able to offer Spanish rice, the export of which is subject to stringent control by the Spanish Government, suggests that there was some person (possibly Mr.Sperling) in Spain from whom the offer originated; and that Mr. Menon of Calcutta should, immediately after the offer of Spanish rice by the "Vijaya Corporation" of Calcutta, accompany Mr. Jayanetti to Madrid, whither the latter proceeded to purchase rice, would indicate that Mr. Menon may have had some interest in the offer made by the "Vijaya Corporation" of Calcutta.

I have brought these matters to the notice of the Inspector General of Police for investigation, with the assistance of "Interpol" if necessary, as they may lead to information relating to the sharing of the commission of £.5,250 made by Mr. Sperling.

(b) On 23rd January 1958 the S/A. & F. (Mr. Alvapillai) telegraphed Mr. Jayanetti in Cairo that if purchase of Spanish rice became necessary he was not to exceed the price of £.36. 10. 0 per metric ton without further instructions, and on the next day (24. 1. 58) he authorised a maximum price of £.37. 0. 0 per metric ton by telegram, and Mr. Jayanetti was also informed that there was no urgency about buying higher quality rice. On the 29th January 1958, however, Mr. Jayanetti appears to have telephoned Mr. Alvapillai in Colombo from Madrid and obtained sanction for making the purchase at £.37. 10 per metric ton. In a minute made by Mr. Alvapillai on the same day he stated :

> "I gave this approval. He said that a further 10,000 tons was possible at the same price. The ban on export of 25% and 35% rice from Thailand is still on

and a decision on rice export policy by the new Government of Thailand is not expected for three weeks. The Govt. of Burma and China have not replied to my offer to buy rice outside the contract. In any event, quantity China can sell is only 20,000 tons. Burma's quantity is doubtful. I, therefore, authorised Mr. Jayanetti to buy the further 10,000 tons Spanish rice."

(c) On this trip to Madrid, Mr.Jayanetti spent a week in Cairo. It is not clear what the necessity was for his stay in Cairo as a telegram had been received, before Mr. Jayanetti left Ceylon, from the Ceylon Minister in Cairo to "Externsec" requesting that Mr.Jayanetti should not leave Ceylon until the former cables further because Egypt had no rice for export at that time.

4. Purchase of 8,836 metric tons of Egyptian Rice at £. 35. 9. 4 per ton in February 1958 paragraph 89(ii)(d) of P.S.No. 19

(i) On 13th February 1958 the Food Commissioner received a telegraphic offer from Cargill, New York, of 9,300 metric tons of Egyptian white rice - maximum 10% brokens (later amended to 20%) at £.35. 17. 6 f.o.b. stowed. This offer was accepted by the Food Commissioner who telegraphed Cargill accordingly on 14th February 1958, whereupon Cargill cabled back to the Food Commissioner on the same day informing him that the offer will have to be revised as "Cairo authorities" will not pay commission on £.35. 17. 6. Extension of time till 17th February 1958 for a final offer was allowed by the Food Commissioner by cable on 15th February 1958. Cargill's final offer was received on 18th February 1958 offering 9,300 metric tons of rice at £.38. 1. 10 per metric ton cost and freight. This offer was accepted by the Food Commissioner on 19th February 1958, and a contract was eventually entered into on 19th March 1958 with a firm by the name of Messrs. "Granax SA",

Geneva, nominated by Cargill.

(ii) It was not possible for me while in Cairo to inquire into this transaction owing to lack of time. I therefore briefed Mr. P. Ramanathan, Chief Clerk of the Embassy, in regard to the inquiries to be made in this connection. Mr. Ramanathan reports that :

(a) He interviewed the Sub-Director of the General Export Administration of the Ministry of Commerce, Government of the United Arab Republic, who is in charge of the issue of the licences for the export of rice. According to this Sub-Director, no licences were issued for the export of any quantity of rice to Ceylon other than the 20,000 metric tons purchased earlier (referred to in paragraph 2 of this Report).

(b) The 8,836 metric tons of rice which is the subject of this inquiry had originally been shipped to Indonesia on 20th March 1958 in the s.s. "Polifemo" by a firm known as the "Egyptian Cotton Yarn and Trading Company" of Alexandria. This firm had been issued an export permit (No. 118447 of 24-12-57) by the Ministry of Finance and Economy, Export Control Department of Egypt, with a stipulation that the permit was personal and could not be transferred. According to this permit the price was £.34. 5. 0 per ton f.o.b. Documents covering this shipment available are as follows :

(1) copy of invoice - No.70R of 20-3-58,

(2) a photostat copy of the Near East Superintending Company Ltd. - Report of Stowage Control,

(3) a photostat copy of the export permit referred to above, and

(4) an extract from the Bill of Lading issued by the Master of the s.s. "Polifemo" dated 20. 3. 1958.

(c) The Sub-Director was not in a position to state how this rice could have been exported to Ceylon from Egypt on a permit issued for export to Indonesia. According to this official, however, it may have been possible for the Egyptian firm having the permit for export of this rice to Indonesia to have manipulated its export to Ceylon after the ship left Alexandria.

(iii) What has happened in this case is that while this shipment of rice was afloat, on its way to Indonesia, it was diverted to Ceylon by the issue at Geneva of a second Bill of Lading dated 28th March 1958. According to this Bill of Lading, the ownership of the rice appears to have passed to "Granax SA" of Geneva and delivery was to be made in Colombo to the Food Commissioner. The propriety of this transaction which circumvented the Egyptian export controls is open to question; reference to it is made in a letter dated 27th March 1958 addressed by "Granax SA" of Geneva to Mr. C. Thomas, Director of Messrs. J. D. McLaren & Co. (Ceylon) Limited - the local agents of the vessel - as follows :

> "The circumstances surrounding this cargo of Egyptian rice and the fixture of the "Polifemo" are to say at least somewhat unusual. The cargo was originally booked for Indonesia, but due to the political situation out there, our buyers did not open their Letter of Credit in time and we were forced to resell the cargo to Ceylon. I do not really think it is necessary to describe too fully the circumstances of the "Polifemo" fixture, but it is sufficient to say that she was also originally planned for Indonesia. We are arranging an amendment in Geneva to the original Bills of Lading which showed one safe Indonesian Port of discharge. The Bills of Lading that you may see will indicate Colombo. We are a little concerned that the vessel may not be able to obtain free pratique at Colombo unless the manifest and other documents are amended beforehand to provide for discharge in Ceylon and we hope that you will advise us in this connection."

Copy to Evelyn Rutnam Institute of Cultural Studies

286 Bullers Road,
Colombo.

28/7/66

JURISDICTION OF THE JAFFNA DISTRICT

Reference my letter to you on above subject and which appeared in your edition of 26/7/66, and the question of jurisdiction between the North West Coast of Ceylon and South East Coast of India prior to the arrival of the Western powers, I have strangely enough recently come across a documentt which throws some light on this aspect of the question.

This document is unique in the sense that it is a translation of the original letter written by King Raja Sinha II in the Portuguese language to the Dutch Governor at Galle. The original is in the British Museum. It was presented in the year 1833 by Sir Alexander Johnstone Chief Justice of Ceylon.

This letter was translated by D.Fergusons and formed the subject of a discussion at a meeting of the Royal Asiatic Society of Great Brirain, Ceylon Branch, in the year 1909, presided over by Sir Hugh Clifford, Governor of Ceylon.

It is of interest to note, that, the king wrote the letter in the Portuguese language. Apparently the Portuguese language occupied the position in Ceylon and the countries around it, that English is holding even today. Though the King and his Kingdom were independent of the Portuguese, he has apparently found it advantageous and necessary to use the Portuguese language ~~This is confirmed by Paul Pieris in his book "Dutch Power in~~ and, also it would appear the tamil language. This is confirmed by Paul Pieris in his book "Dutch Power in Ceylon", where he says, the king requested the Dutch to send him their letters in Portuguese and Tamil, and not in Dutch or Latin, and that the Dutch Governor Coster himself requested a letter from the King in Sinhalese and Tamil for presentation to the Governors and ruling Chiefs in the Island.

(iv) I have the following observations to offer in connection with this purchase of rice :

(a) The permit for the export of this rice from Egypt gave the rate chargeable as £.34. 5. 0 per metric ton f.o.b., but this purchase was made by the Food Commissioner at £.38. 1. 10 per ton cost and freight (this works out at £.35. 9. 4 exclusive of freight). The Ceylon Government has thus paid £.1. 4. 4. per metric ton more for this rice, i.e. over £.10,600 in all.

(b) S/A. & F. (Mr. Alvapillai) was well aware of the system of export controls prevailing in Egypt as he had visited Cairo in November 1957 to negotiate the purchase of 20,000 tons of Egyptian rice. Hence, it is not understood why he approved this purchase of Egyptian rice to be shipped from Alexandria by a firm in Switzerland without making inquiries from the Egyptian authorities through the Ceylon Legation in Cairo, and exploring the possibility of a direct purchase from a dealer in Egypt.

(c) That Egyptian rice of this quality was likely to have been unsuitable for distribution in the rationing scheme was brought to the notice of the S/A. & F. (Mr. Alvapillai) when the earlier purchase of Egyptian rice (referred to in para 2 of this Report) was being negotiated; and early in March 1958 there was definite evidence of strong consumer resistence to rice of this quality, so much so that the earlier purchase of Egyptian rice had to be withdrawn from the rationing scheme with effect from 24th March 1958. In the circumstances, the hurry in which the negotiations for the purchase of the Egyptian rice (dealt with in this paragraph) was concluded; the contract for its supply signed on 19th March 1958; and the questionable manner in which the rice was got out

of Egypt are matters on which your Committee might examine the S/A. & F. and the Food Commissioner.

5. Sale of Rice to Indonesia :

(i) Of the total quantity of 38,836 metric tons of rice purchased from Egypt and Spain, to which reference has been made in the preceding paragraphs, 7,800 tons out of the first purchase of 20,000 tons of Egyptian rice were put out into the rationing scheme. This rice proved unpopular with the consumers owing to its glutinosity and was withdrawn from the rationing scheme on 24th March 1958 on an order of the Minister for Agriculture and Food (Mr. Philip Gunawardena) and disposed of locally by tender. The remainder of the first purchase from Egypt, and 9,514 tons out of the 10,000 tons shipped from Spain (486 tons of this purchase were sold by local tender) and the entire quantity of the second purchase from Egypt (making in all 29,434 tons) were sold to Indonesia. The sale resulted in a net loss of Rs.1,067,315. Of this loss, Rs.953,991 represented demurrage charges consequent on delays in unloading due to congestion in the Colombo harbour at that time and unloading being delayed in certain cases, pending completion of negotiations for the sale of the rice.

Negotiations :

(ii) The negotiations relating to the sale of this rice and settlement of accounts are set out below, as they may be of interest to your Committee in their examination of the accounting officer concerned :

(a) The entire quantity of rice available for sale was offered by the S/A. & F. (Mr.Alvapillai) on 27th March 1958 to the National Rice and Corn Corporation

Manila, (the rice purchasing agency of the Philippines Government). Simultaneously, the Ceylon Minister in Indonesia was requested by the S/A. & F. to ascertain immediately from the Indonesian Government whether they were interested in purchasing about 20,000 tons of Egyptian rice; if not, he (our Minister in Indonesia) was requested to notify private merchants in Indonesia and ask them to contact the Food Supply Department, Colombo. On 27th March 1958 the S/A. & F. made the following minute (in Food Ministry File No. CA-7073(A)) :

> "Mr. C. H. Z. Fernando rings me up on the telephone and informs me that the offer given by the Minister of Commerce and Trade, Mr. R. G. Senanayake, for the purchase of Egyptian rice from the Ministry of Agriculture and Food was from him. The f.o.b. price he is prepared to offer is £.40 per ton. The rice is intended for the Philippines. If the seller is arranging the freight, he will accept c & f. price of £.42 per ton. He is prepared to make payment in Dollars in Colombo. I said I will let him know tomorrow as to whether I would consider a c & f. offer or a f.o.b offer and whether the offers given by him are acceptable."

On 28th March 1958 the National Rice and Corn Corporation, Manila, cabled the S/A. & F. as follows :

> "Reurad * offer sale rice be informed that we purchase through public bidding stop advise you local agent to participate when bids called for stop thank you - Naric."

On the same date, a Ceylon firm called the "General Imports & Exports Limited" (the Managing Director of which is Mr. A. Dalpathadu and with which Mr. C. H. Z. Fernando is associated), made an offer for Egyptian rice to the Minister of Commerce and Trade on the following terms :

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* Telegraphic abbreviation for "Regarding your telegram"

> "7,000 tons f.o.b. and stowed Colombo and 1,000 tons f.o.b. and stowed Trincomalee at £.40. 16 additional quantities up to 50,000 tons at £.40. f.o.b. Colombo and £.42. c & f. Manila."

This offer was passed on by the Ministry of Commerce and Trade to the Ministry of Agriculture and Food. Negotiations were thereafter conducted between the S/A. & F. and representatives of the firm, and contracts were entered on 31st March 1958 and 1st April 1958 respectively, between the S/A. & F. (Mr. Alvapillai) for the Government of Ceylon and the General Imports and Exports Limited, as follows :

> (i) 8,000 tons to be sold at $ 119.14 (United States Dollars) per metric ton gross, c. & f. Manila (this rice was already in the Island);
>
> (ii) 12,300 tons of rice, which had not arrived in Ceylon to be sold at $ 119.60 (United States Dollars) per metric ton gross c. & f. Manila.

On 2nd April 1958 there appeared in the local press a report under the caption "Commerce Ministry sells off remaining 'iti hal' - rejected rice sold 5 lakh profit - purchased by the Philippines." The Director of General Imports and Exports Limited wrote to the S/A. & F. on 14th April 1958 that there were repercussions in Manila as a result of the press report and that he proposed to fly to Manila to place the correct facts in regard to the quality of rice. The S/A. & F. replied on 15th April 1958 as follows (in Food Ministry File No. CA-7073 (A)) :

> " ..... Your present letter (of 14th April) has come as a surprise to me as it reveals that your buyers have again gone back to the old excuse - the Daily News Report - which in my opinion is a veritable lame excuse - to repudiate their contract with you. The action of your

> buyers will no doubt put you in a false position by compelling you to repudiate your contract with the Government of Ceylon. This is the first instance in my long experience of business of a transaction being repudiated on the basis of a press report containing incorrect facts, and if you and your principals choose to repudiate the contract on this ground you have to take the consequences. As for my part as you have failed to cause Letter of Credit to be established in respect of the transactions, I can no longer be bound by these contracts and accordingly I am cancelling the contracts without prejudice to my rights to claim compensation for loss actually incurred in the resale of the rice."

Subsequently other steps were taken to dispose of this rice, but up to date no claim for compensation for the loss that was incurred in the re-sale of the rice has been made against the defaulting contractor.

The propriety of the action of the S/A. & F. in cancelling the contracts in the manner he did without resorting to the arbitration clause in them is open to question. The arbitration clause reads as follows :

> "If any dispute shall arise in connection with this contract such dispute shall be referred to arbitration. The buyers and seller shall appoint one arbitrator each, and if there is a difference between the arbitrators, the arbitrators shall appoint an Umpire. The decision of the arbitrators or the Umpire, as the case may be, shall be final. The arbitration shall be held in Colombo."

(b) In regard to the offer made to the Indonesian Government through our Minister in Indonesia, the following cable was received from the Ceylon Minister in Indonesia on 1st April 1958. :

> "Reference to your telegram No. 29 - Indonesian Government is interested in our offer. Grateful details c.i.f. and f.o.b. prices and what quantity of 20,000 tons available for immediate shipment and when balance will be available for shipment."

When the S/A. & F. replied to the Ceylon Minister in Indonesia on 1st April 1958 that only Spanish rice was available (as Egyptian rice was already under contract to the Philippines), the latter replied as follows on 2nd April 1958 (in Food Ministry File CA-7073(A)) :

> "Reference to your telegram No. 30. Grateful for details what quantities available, when earliest shipment possible and c.i.f. and f.o.b. prices Indonesian Ports. Rice situation is such that Indonesia needs rice urgently."

On 12th April 1958 the S/A. & F. informed the Ceylon Minister in Indonesia that 8,500 tons of Spanish rice, which was being loaded at a Spanish port, was available for diversion to Indonesia and quoted terms. As the contract with the Philippines did not materialise, the S/A. & F. again informed the Ceylon Minister in Indonesia (on 15. 4. 1958) that 20,000 tons of Egyptian rice was also available, and requested him to interview the Indonesian authorities and arrange sale. As an attempt was made by the National Rice and Corn Corporation, Manila, to renew the earlier contract entered into with the General Imports and Exports Limited, Ceylon (on behalf of the Philippine Government), the S/A. & F. cabled the Ceylon Minister in Indonesia on 22nd April 1958 that "in view of renewal of earlier offer from Philippines for this rice our offer to Indonesia cannot be firm now. Please inform Indonesian authorities accordingly. We are however willing to consider any offer for Egyptian or Spanish rice."

On 23rd April 1958 the Director of Food Supplies (Mr. Jayanetti) sent the following cable to Speed Indonesia Limited :

"Your letter 12th instant have offered 20,000 tons Egyptian rice to Indonesian Government through Ceylon Minister Indonesia (stop) price and specifications available in our Mission (stop) would it be possible to arrange for Indonesian Government purchase rice against our purchasing sugar either full quantity or part (stop) if so cable details to negotiate prices - Foodsupply."

On 25th April 1958 the following telegram was sent to the Ceylon Minister in Indonesia by the S/A. & F. (Mr. Alvapillai) :

"We could give prompt shipment of consignment of about 9,000 tons five per cent more or less either Egyptian or Spanish white rice twenty per cent brokens packed in strong used bags at £.43 per metric ton gross shipped weight cost and freight discharge to buyers account. This is a firm offer due for acceptance by first May. Please make this offer to Indonesian Government or any reliable importer there whoever likely to accept immediately. If offer accepted letter of credit in favour of Director of Food Supplies should be opened immediately providing for payment against charter party bill of ladings invoices and certificates of quality issued by authorised branches or agents of General Superintendence Company of Geneva. Please interview Indonesian authorities immediately and telegraph interim reply whether offer likely to be accepted."

In reply, the Ceylon Minister in Indonesia sent the following cable on 26th April 1958 (in Food Ministry File No. CA-7073(A)) :

"Your telegram No. 45, Every attempt was made by number of personal interviews to push through offer but Indonesian Govt. is not interested - this is largely due to harvesting season being on right now, and Government's anticipation of a bumper crop. Also because Government has a rice mission operating in Burma which has apparently made commitments on behalf of the Govt."

On 29th April 1958 the Food Commissioner (Mr. Jayanetti) wrote to the Vice-Director, Speed Indonesia Limited, as follows :

"I have to acknowledge receipt of your cable of the 25th instant informing me that you are working in co-operation with the Charge d' Affairs of the Ceylon Mission in Djakarta.
In regard to the proposal made by me, the Egyptian and Spanish rice being of a glutinous nature is not acceptable to the Ceylon Consumer and, therefore, the Ceylon Government has decided to sell the rice to any other country that may be interested in its purchase. The rice is of good quality and certificates of quality &c. issued by the General Superintendence Co. of Geneva or its authorised Branch are available.
I am aware that the Indonesian Government is in need of rice and my proposal should be an attractive one because in exchange for the rice we are prepared to take sugar from Indonesia. The Charge d'Affairs of the Ceylon Mission, however has informed me by cable that the Indonesian Government is not interested in the purchase of this rice because of the anticipated bumper crop in the near future but you may note that Ceylon is prepared to negotiate for sugar if the Indonesian Government would agree to buy this rice from us. We have already a ship in harbour with about 9,000 tons of Egyptian rice and we are prepared to sell this consignment at £.43 c. & f. per ton gross. The balance quantity of Egyptian and the entire Spanish rice are on their way to Ceylon and if before these vessels arrive it would be possible to come to some agreement regarding the exchange of sugar from Indonesia for Egyptian rice from us, it will be possible to divert the ships direct to Indonesia.

If you could get your Government to agree to buy this rice from Ceylon at £.41.10 sh. f.o.b. stowed per ton gross for Egyptian and £.43 per ton nett for Spanish rice or even a portion of these consignments, we might be in a position to purchase our raw sugar from Indonesia without calling for tenders.
I do not know whether a visit by me to Indonesia would help in expediting and finalising these negotiations but if after discussions you think it will be helpful, please send me cable so that I could come there and discuss further with the Government officials in Indonesia.

I shall be glad if you would send me a reply in due course."

Later, on 30th April 1958 Mr.Jayanetti offered the rice at £.40. 10 f.o.b. stowed to Speed

Indonesia Limited and, again, at the request of that company on 23rd May, 1958 for lowest prices, he quoted £.42. 10 nett for Spanish rice and the same price gross for Egyptian rice. This offer was accepted and two contracts were entered into by the Food Commissioner with Jajasan "Urusan Bahan Makanan" of the Ministry of Trade of the Government of the Republic of Indonesia for 21,000 metric tons gross of Egyptian rice at £.42. 10 and 8,400 metric tons nett of Spanish rice at the same price; the rice was duly shipped and delivered.

In regard to the negotiations referred to above :

(a) it is difficult to reconcile the statements made in the cables of 2nd April 1958 and 26th April 1958 (vide pages 19 and 20 of this Report) from the Minister for Ceylon in Indonesia in regard to the need for rice in Indonesia;

(b) the selection of the services of Speed Indonesia Limited to carry out negotiations in a country where we have a Legation also needs further inquiry (vide pages 19 and 20 of this report).

Settlement of Accounts :

(iii) There was a complaint regarding the quality of the rice delivered on the contracts, and Mr. Jayanetti was requested by the S/A. & F. to proceed to Djakarta as early as possible. Mr. Jayanetti took 'plane to Indonesia on 23rd October 1958. On 1st November 1958 negotiations were conducted with Indonesian

Government officials by Mr. Ratnasiri Perera of the Ceylon Legation and Mr. Jayanetti, and certain allowances, which amounted to a reduction of Rs.152,501 on the amount due were agreed to.

The net proceeds of the sale received from the Indonesian Government amounted to Rs.16,468,990. Out of this Rs.156,894 * (being a commission of 1%) was paid to Messrs. Speed Indonesia Limited. In regard to the authority for payment of this commission, there is a letter dated 1st October 1958 (in the Food Commissioner's file No. FP/DP/208) from the Food Commissioner (Mr. Jayanetti) to the S/A. & F. in which it is stated -

> "When I acted for you, I consulted the Hon. Minister ** re payment of commission to Messrs. Speed Indonesia Limited who arranged the deal. Though Speed asked for 2% I brought it down to 1%. The Hon. the Minister's prior approval was sought. I had subsequently submitted a minute to Hon. Minister and when I asked him before I left for China, he told me that he had already approved. It is noted to pay commission after the sale is effected in full."

According to the information contained in the above file of papers, the original order of the Minister referred to above was reported to be missing. The Food Commissioner wrote to the S/A. & F. (Mr.Alvapillai) on 7th November 1958 as follows :

> "Messrs. Speed asks for part payment of commission. As the original submission I made to Hon. Minister appears to be missing, I shall be glad if a fresh order is obtained to pay Messrs. Speed commission of 1%."

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* Rs.779,595 being freight and demurrage on the exports was deducted from the net amount in arriving at the commission payable.

** Mr. Philip Gunawardena.

The S/A. & F. replied on ~~the same date~~ 13th November 1958 as follows (In Food Ministry File No. CA-7073(A)) :

> "There is no objection to making a part payment of the commission due to Messrs. Speed through whom the sale of rice to Indonesian Government was negotiated. Selling commissions are normally payable on the f.o.b. price and also on actual proceeds of sale. It would therefore be reasonable to compute the 1% on the f.o.b. and stowed price less the allowances and claims due to the buyers.
> The Hon. Minister wants to know the total expenditure on the purchase of the rice sold to Indonesia and the net sum realised by the sale ....."

In regard to the mode of payment of this commission, Mr. Gomes of Speed Indonesia Limited wrote to the Food Commissioner on 23rd June 1958 that the commission due to them was to be paid out as follows :

(1) Mr. Ng Loo Beng of Dalvey Estate, Singapore - 25 per cent.

(2) Mr.H.G.Gomes, c/o. Lombard Banking Limited, London - 30 per cent.

(3) Mr. G.E.B.Milhuisen, 22, Upper Chatham Street, Colombo - 45 per cent.

On 16th October 1958 Mr. Milhuisen informed the Food Commissioner that Mr. Gomes of Speed Indonesia Limited had cabled that the 25% commission should be paid to Mr. Lim Chee Yoon of 89, Jervoir Street, Hongkong, and not to Mr. Ng Loo Beng of Singapore.

The shares due to Messrs. Lim Chee Yoon and Gomes were remitted through the Bank of Ceylon. Mr. Lim Chee Yoon returned the remittance on the 27th November 1958 to the Deputy Secretary to the Treasury informing him as follows :

> "I am very surprised at receiving your payment notice in the amount of £.750 being commission on rice shipments to Indonesia for I never act as agent of any Indonesian Rice Importing Firm.

I know nothing about this transaction.
It may be a mistake done by your staff.
Please cancel it after careful
investigation."

The Food Commissioner explained to the D. S. T. that the remittance was made at the request of Speed Indonesia Limited who negotiated the deal. Rs.144,893. 95 being the balance of the commission (Rs.12,000.00 having been paid to Mr. Gomes, c/o Lombard Banking Ltd., London) was then paid on a voucher to Mr. Milhuisen. It appears that an application was made by Mr. Milhuisen on 11th May 1959 to the Controller of Exchange to remit £.2,941. 15. 3 to Mr. Lim Chee Yoon at Hongkong. I have not been able to ascertain whether this application was allowed by the Controller of Exchange and whether the remittance was actually made.

I am, Sir,
Your Obedient Servant,

Auditor General

afr: 17-XI

THE EVELYN RUTNAM INSTITUTE FOR CULTURAL RELATIONS

Director
James T. Rutnam

Baron's Court,
35, Guildford Crescent,
Colombo 7.
(Ceylon)

25th November 1969

His Lordship S.Kulandran,
Bishop in Jaffna,
Bishop's House,
VADDUKKODDAI

My dear Bishop,

I reached home only at 10 p.m. last night and am rushing to send you the press cutting from the 'Hindu' of the 20th November. I am sending you herewith a photostat which my Secretary had obtained for me at short notice. Mahalingam is I believe the Professor at the University of Madras. In which case his views should command great respect.

Our Professor Paranavitane and even B.B. Lal, Director-General Archaeological Survey of India, hold views contradictory to those of the scholars in the Scandinavian Institute of Asian Studies. But they have not still reacted to the most recent approach made by Asko Parpola, Seppo Koskenniemi, Simo Parpola and Pentti Aalto, the last of whom I remember to have met somewhere.

This subject is still very ticklish and Mr Heras, Gnanaprakasar and several others have pronounced a certain view. I am inclined to agree with them, but nothing like waiting and seeing because of our limitations.

Mahalingam gives you a summary of the present position. I am familiar with the number of papers on this subject and have also visited Mohenjodaro in the course of my own quest.

With kind regards,
Yours affectionately

James T. Rutnam

R/mp.
Enclo.

11

27th November 1969

My dear Bishop,

Regarding the Indus Script there is an article in a Magazine published in England called Antiquity (Vol 43 No. 171 September 1969 pp 200-207) entitled The Indus Script Deciphered ? The next issue of Antiquity for December 1969 will have two further contributions from Dr. T. Burrow of Oxford and Professor Stig WiKander of the University of Upsala. The Danish researchers owe a lot to Emeneau and Burrow's Dravidian Etymological Dictionary for the lead. All the English writers seem to look favourably and hopefully at the Danish researches.

The script is Semi-pictographic and pre-Aryan. It seems to be proto-Dravidian. Paranavitana's Aryan obsession like most other Aryan conjectures on this subject is ~~xxxxxx~~ what they call "amateurish nonsense". Finality however has not been reached.

Yours affectionately,

R/mp.

James T. Rutnam

His Lordship S.Kulandran,
Bishop in Jaffna,
Bishop's House,
Vaddukkoddai.

20th November 1969

My dear Bishop,

With reference to your letter of the 19th I shall try to get you some papers and references regarding the Temple Entry Controversy.

I suggest that your nephew reads Mahatma Gandhi's views on the question. They will be a modern Hindu's Views.

Two books viz Plighted Word by C. Rajagopalachari printed at Delhi by the Servants of the Untouchables Society in 1933, and The Report of the Temple Entry Enquiry Committee of Trivendrum published by the Superintendent of the Government Press, Trivendrum in 1935 will be of interest to your nephew.

More when we meet on the 23rd at Pandateruppu.

Yours sincerely,

R/mp.

James T. Rutnam

12th April 1969.

The Rt. Rev. Sabapathy Kulandran,
Bishop in Jaffna,
Vaddukoddai.

My dear Bishop,

I suppose you have read the full text of the correspondence published in the "Tribune" of the 6th April on the Aryan Dravidian controversy between self and a rather crooked researcher. I shall send you a copy soon.

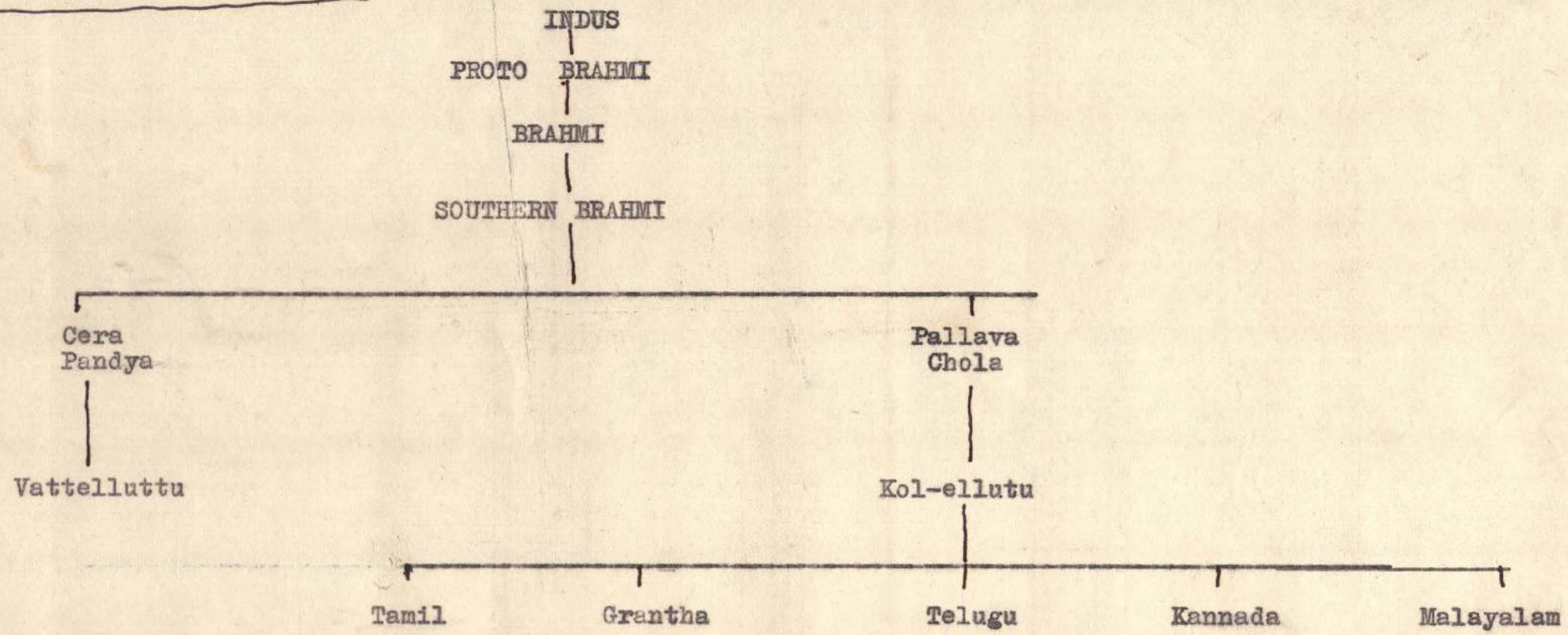
I received a letter dated 27th November 1967 from you regarding the Brahmi Script and the extracts from "Buddhist India" of Rhys Davids. I have since read a booklet published by the Indian Government Publications Division entitled "Indian Systems of Writing" (Re.1/-), and find Sunit Kumar Chatterjee saying that this script is indigenous to India, and that it was evolved from the Indus Script. Ofcourse there was communication between West India and the Near East especially with the Sumerians. I have not found out which was the earlier culture but the communication must have lasted for a very,very long time. My search is for the origin of the Dravidian speakers. I am amazed at the vast expanse of this ~~very~~ ancient culture which seems to have extended far beyond India.

Yours very sincerely,

James T. Rutnam

R/mp.

South Indian Scripts



12. 4. 69

Barons Court, 35 Guildford Crescent,
Colombo 7.

2nd September,1966.

His Lordship S. Kulendran,
Bishop in Jaffna
Bishop's House
Vaddukkoddai.

My dear Bishop,

THE DUTCH CHURCH AT JAFFNA.

When the Dutch captured Jaffnapatnam in 1658 they found a Catholic Church within the premises of the Fort of Jaffna. The site of this church and its cloister is shown in the Plan of the city of Jaffnapatnam given in Baldaeus book on Ceylon published in 1672. It would appear when the Fort of Jaffnapatnam was attacked by the Dutch much havoc was caused (so says Baldaeus an eye-witness) by the grenades and the stones from the Dutch mortars.

According to Baldaeus this church was repaired by the Dutch. Evidently the building was repaired in order to serve the immediate requirements of the Dutch Reformed Church. The old bells of the church (two in number, one larger than the other) would have been rung by the Dutch, too, to summon the faithful for worship.

The Portuguese church (and the convent) erected in 1614, was dedicated to " Our Lady of Miracles ". It was originally sited at Nallur where it was known as that of " Our Lady of Victories ", signifying the victory of the Portuguese over the Kingdom of Jaffna. This church too is said to have been transferred from a chapel known as Ermida de Cruz (chapel of the Cross) that was situated near the sea-shore at the very spot (so it was claimed) where the eldest son of King Sangili of Jaffna was reputed to have been "executed and burnt" for embracing the Roman Catholic faith.

The bells (or one bell) of the Portuguese church in the Fort bore an inscription " Nossa Senhora Dos Milagres de Jaffnapatam 1648 ". Of the two bells the larger one which displays this inscription is now used in Colombo at the Church of St. Michael and All Angels, Polwatta. I have seen it and I believe it has an interesting history, for I recollect some references to it made by Rev. Father S.G.Perera and others sometime ago. (More later). The smaller bell is reported to be lying now in the vestry of the church at Jaffna.

When the Dutch built a new fortress at Jaffna, a Plan of which is shown in the Francois Valentyn's book published in 1726, they also built the new church (i.e. the present one) known to them as the Kruys Kerk. The date of erection is given as 1716, which would mean that this church is today 250 years old. The church, it must be understood, was not built on the site of the old Portuguese church which presumably was demolished. The two bells of the old church were however installed in the new church. Valentyn has a lithograph print of the new Dutch church in his book (facing page 30). This is worthy of publication and I shall be able to send you a photograph of it from Colombo when required.

The Consistory of the Dutch Reformed Church at Wolvendhal transferred the Jaffna church, which was until then in their possession, to the Ceylon Government on the 11th July 1872 for a sum of Rs.6,000/-.

In 1890 the larger bell appears to have been gifted to St. Michael's and All Angels by a " generous British official," probably the Colonial Secretary or the Government Agent at Jaffna at the time.

The Church built by the Dutch at Jaffna is understood to be the oldest Dutch church in Ceylon, older than the Wolvendhal structure and the Galle Dutch church which are all of cruciform types.

Of the Dutch churches that were given to the Jaffna Mission, only the one at Vaddukkodai (known as the Church of the Assumption), the one at Pandateruppu (known as the Church of our Lady of Miracles) and the one at Manipay could be described as original Dutch structures although these themselves have had modifications during the course of time.

The Dutch churches at Changanai, Atchuvelly and Varany are in ruins. Those at Chundikuli, Kopay and Puttur have been replaced by modern buildings, and those at Tellipalai, Udupiddi and Karativu have been replaced with the use of some of the old stones.

The information given above has been gathered by me from my own visits to Jaffna and from an interesting article entitled " The Story of three Dutch Bells ", published in the Journal of the Dutch Burgher Union (Vol. 43 No. 4 October 1952 pp 194/5) by R.L.B. which transparently hides the name of Dr. R.L.Brohier, a former President of the Ceylon Branch of the Royal Asiatic Society. I shall send you a photostat of this article very soon. The other publications that were referred to by me for this purpose are a pamphlet entitled " Catholism in Jaffna " by Rev. S. Gnana Prakasar published at Colombo in 1926, and an article entitled " The Portuguese - Dutch Churches of Jaffna ", by J.P. Lewis that appeared in the Ceylon Antiquary and Literary Register Volume II part IV, published in July 1916. Baldaeus's and Valentyn's books were also helpful. Leopold Ludevicus's Lapidarum Zeylanicum has illustrations of several monuments erected at the Jaffna church.

I am pursuing this subject further, and shall write to you again. I am also looking closely into Valentyn's book and shall send you any relevant references in Dutch together with their English translation. I am one of the very few who have a MSS copy of the English translation of Valentyn's Ceylon, originally rendered by John Armour and presently lying in the RAS Library in London, having been presented to this institution by the Alexander Johnston in 1832.

More soon. Until then,

I remain, Yours sincerely,

James T. Rutnam

JAMES T. RUTNAM.

R/mp.

cc. for their kind observations to be sent directly to His Lordship Bishop Kulendran.
Dr. R. L. Brohier, Colombo.
Mr. Sam J. Kadirgamar, Colombo.

xxxx

14th September 1966.

My dear Bishop,

I am sending herewith a typescript of Gunaratnam's poem which I had had copied at the Colombo Museum. I am sorry, dear Father, for not being able to send you my article on the Batticotta Seminary.

I fell ill soon after I wrote to you my last letter. The matter was further delayed because of the 2nd Annivasary of my wife's death yesterday, and I was busy and overcome by it.

I had really done some good work on the Batticotta Seminary (even without Velupillai's book which I have misplaced) but I fear the article had become too long,running into about 5000 words. It will be good for a small pamphlet or publication in one of the daily newspapers in two or three instalments. I propose to get it published one way or other before the Jubilee. I much regret I am unable to condense it, therefore please forgive me for the inconvenience caused. I am prepared to suffer any penance.

With best wishes,
Yours sincerely,

Enclo:
R/mp.

His Lordship S.Kulendran,
Bishop in Jaffna
Bishop's House
Vaddukkoddai.

JAFFNA DIOCESE OF THE CHURCH OF SOUTH INDIA

THE RT. REV. SABAPATHY KULANDRAN,
BISHOP IN JAFFNA.
(*Telephone :* VAD. 26.)

VADDUKODDAI
CEYLON.

December 4, 1967

My dear Jimmy,

I am seeking some information on the development of the Tamil script. There seems to be hardly any book on the subject here. The Government of India has put out a large number of volumes giving inscriptions on various parts of South India, but they have all been put into modern Tamil script. But there must be reports of the Archaeological Department of Ceylon on Tamil inscriptions found in Ceylon. Certainly there must be a photograph somewhere of the inscription on the stone at the Nainativu temple. There may also be copies of the Epigraphia Carnatica published by the Government of India in the Museum.

You may also have some articles found in newspapers or magazines. I shall be obliged to have whatever information you have.

Yours sincerely,

S. Kulandran

P

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17th December 1967.

The Rt. Rev. Sabapathy Kulandran,
Bishop of Jaffna,
Vaddukoddai,
JAFFNA.

My dear Bishop,

I received your letter dated 4th December. I shall be sending you soon a list of Tamil inscriptions in Ceylon collected by me. Some of the early inscriptions in India and Ceylon were written in Brahmi characters. Some Tamil inscriptions were written in what was called Vatteluttu.

In Ceylon we have over 1500 inscriptions in Brahmi. These are claimed by the Sinhalese as Sinhalese inscriptions although here again we have Elu which preceded Sinhalese. The modern Sinhalese script came into use in the seventh or eighth century A.D.

The Brahmi characters are supposed to have originated from the Semitic.

The Nainativu temple inscriptions was dealt with by Dr. Kaitigesoe Indrapala in an article to the University of Ceylon Review Vol. XXI, No.1, April 1963 p. 63ff. This should be available in Jaffna. There, I believe, you will find a photostat of the inscription. It was an inscription of Parakarama Bahu I in the twelfth century and addressed to Tamil officers at Nainativu. Dr. Indrapala's thesis for his doctorate was on the "Dravidian settlements in Ceylon and the beginnings of the Kingdom of Jaffna". He got his doctorate with this thesis. His argument is being challenged by other scholars, but a copy of his thesis (which is unpublished) is hard to get. I have seen it and try to get it for you later.

Shall write to you further soon,

Yours sincerely,

R/mp.

JAFFNA DIOCESE OF THE CHURCH OF SOUTH INDIA

RT. REV. SABAPATHY KULANDRAN,
BISHOP IN JAFFNA.
(*Telephone :* VAD. 26.)

VADDUKODDAI,
CEYLON.

25th June, 1968.

My dear Jimmy,

Recieved your express letter this noon.

I have no influence with Queen Mary's (Government) College. The Principal of Women's Christian College, Madras is a nasty woman, who takes a peculiar pleasure in snubbing those who are considered important. Some years ago it would have been different.

I do not know the Principal of Lady Doke College, Madurai; but she may honour my letter. Anyway, I certainly can give her a letter. I can also give a letter to the Principal of Sarah Tucker College, Thinnaively whom I know. I could also phone up the Roman Catholic bishop about a place at Roman Catholic Women College in Trichy. I hope the Roman Catholic bishop is in Jaffna.

You better ask Mr. Singnayagam (?) to come here; otherwise I have no facts or details to go upon.

Yours affectionatley,

SK/sm

BY AIRMAIL

BARONS COURT
35, Guildford Crescent,
Colombo 7.

8th September 1966

His Lordship S. Kulendran,
Bishop in Jaffna,
Bishop's House,
Vaddukkoddai.

My dear Bishop,

Thank you for your letter of the 7th September. Please let me know when your Supplement is being issued and in what paper, as I am getting slightly delayed in completing my article.

As for Gunaratnam's poem there is a copy in the Colombo Museum under the Pamphlets bookmark 5/F/16. It is a small blue-cover pamphlet entitled " The American Ceylon Mission Centenary - A Monologue". It was printed at the Navalar Press, Jaffna in 1916. It is dedicated to " My Alma Mater Jaffna College" It has 346 lines running into 10 octavo pages. The first stanza is as follows :-

1 From regions beyind the mortal Ken.
Where sparkles many a rill among the glen,
And Muses sweet inbibe the crystal flow
And dance entranced in beauteous circling row,
5 And chant their praise with golden lyre in hand
To Wisdom, Queen of their celestial band,
Who, from her Sapphire throne on high, doth mete
To mankind equal lore in measures sweet,
As servant true to bear, from climb to climb
10 Her love, and guard her institutes sublime,
I come to you this great and happy day
Oh, list to me, my darling sons I pray.

I could get my clerk to copy this poem and send it to you by next Monday. Tomorrow is a holiday at the Museum. Please let me know whether you want this done.

It is likely that a copy of this publication is available at the Archives. In which case a photostat could be obtained.

Please get Mr. Lyman or the Librarian at Jaffna College to write to me, if you are burdened with your other work, as I believe you are at a time like this.

With kind regards,

I remain,

Yours sincerely,

R/mp. (James T. Rutnam)

With compliments

Barons Court
35 Guildford Crescent
Colombo 7.

5th September 1966

My dear Bishop,

THE DUTCH CHURCH AT JAFFNA

Further to my letter of the 1st September I hasten to correct a mistake. The date of the erection of the Church I understand, is given as 1706 not 1716, therefore the church is now 260 years old.

J.P.Lewis seems to think there was an older building on this site, which would explain the presence of burials and tombstones (in situ) dating 1666 thereafter. The tombs are all of Dutch persons not Portuguese indicating interment after the Dutch capture.

I am now referring to some other ~~books~~ works of the following:

1. R. G. Anothisz - Journal of the Dutch Burgher Union, Vol.II page 99.

2. Heydt's Travels in Ceylon.

3. J.P.Lewis - Architectural Review August 1907.

I understand Ian Gunatilake of the Peradeniya University Library has sent the Librarian of Jaffna College Mr Thambiah some bibliographical details on the Dutch Church. If convenient please request Mr. Thambiah to send me a copy of this. Thanks,

More soon,

I remain
Yours sincerely,

R/mp.

His Lordship S.Kulendran,
Bishop in Jaffna
Bishop's House
Vaddukkoddai.

Barons Court,
35, Guildford Crescent,
Colombo 7.

1st September 1966.

His Lordship S.Kulendran,
Bishop in Jaffna,
Bishop's House,
Vaddukkoddai.

My dear Bishop,

THE DUTCH CHURCH AT JAFFNA.

When the Dutch captured Jaffnapatnam in 1658 they found a Catholic Church within the premises of the Fort of Jaffna. The site of this church and its cloister is shown in the Plan of the city of Jaffnapatnam given in Baldaeus book on Ceylon published in 1672. It would appear when the Fort of Jaffnapatnam was attacked by the Dutch much havoc was caused (so says Baldaeus an eye-witness) by the grenades and the stones from the Dutch mortars.

According to Baldaeus this church was repaired by the Dutch. Evidently the building was repaired in order to serve the immediate requirements of the Dutch Reformed Church. The old bells of the church (two in number, one larger than the other) would have been rung by the Dutch, too, to summon the faithful for worship.

The Portuguese church (and the convent) erected about 1622 (1614 ?), was dedicated to " Our Lady of Miracles ". It was originally sited at Nallur where it was known as that of " Our Lady of Victories ", signifying the victory of the Portuguese over the Kingdom of Jaffna. This church too is said to have been transferred from a chapel known as Ermida de Cruz (chapel of the Cross) that was situated near the sea-shore in Jaffna at the very spot (so it was claimed) where the eldest son of King Sankili was reputed to have been " executed and burnt " for embracing the Roman Catholic faith.

The bells (or one bell) of the Portuguese church in the Fort bore an inscription " Nossa Senhora Dos Milagres de Jaffnapatam 1648 ". Of the two bells the larger one which displays this inscription is now used in Colombo at the Church of St.Michael and All Angels, Polwatta. I have seen it and I believe it has an interesting history, for I recollect some references to it made by Rev. Father S.G.Perera and others sometime ago. (More later). The smaller bell is reported to be lying now in the vestry of the church at Jaffna.

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In 1890 the larger bell appears to have been gifted to St. Michael's and All Angels Polwatta, by a " generous British official," probably the Colonial Secretary or the Government Agent at Jaffna at the time.

The Church built by the Dutch at Jaffna is understood to be the oldest church in Ceylon, older than the Wolvendhal structure and the Galle Dutch church which are all of "cruciform" types.

According to J.P.Lewis, the author of " Tombstones and Monuments " and other works on Ceylon, of the Dutch churches that were given over to the Jaffna Mission, only the one at Vaddukkodai (known to the Portuguese as the Church of the Assumption), the one at Pandateruppu (known to the Portuguese as the Church of our Lady of Remedies) and the one at Manipay could be described as original Dutch (modified Portuguese) structures although these themselves have had further modifications during the course of time.

Please refer to " The Story of Three Dutch Bells ", published in the Journal of the Dutch Burgher Union (Vol.43 No.4 October 1952 pp 194/5) by R.L.B, (Dr. R.L.Brohier); also to Catholism in Jaffna by Rev. S. Gnana Prakasar published at Colombo in 1926, and an article entitled " The Portuguese - Dutch Churches of Jaffna ", by J. P. Lewis in the Ceylon Antiquary and Literary Register Volume II part IV, published in July 1916 (pp 47-50). Baldaeus's and Valentyn's books are also helpful. Leopold Ludevici's " Lapidarium Zeylanicum " has illustrations of several monuments erected at the Jaffna church.

I am pursuing this subject further, and shall write to you again. I am also looking closely into Valentyn's book and shall send you any relevant references in Dutch together with their English translation. I am one of the very few who have a MSS copy of the English translation of Valentyn's Ceylon, originally rendered by A. Armour and presently lying in the RAS Library in London, having been presented to this institution by Sir Alexander Johnston in 1832.

More soon. Until then,

I remain, Yours sincerely,

(JAMES T. RUTNAM)

R/mp.