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## *The Languages of Ceylon*

VOLUME IV of the Census Report, 1946, contains a great deal of information about the extent to which the three languages Sinhalese, Tamil and English are spoken and written in the Island. It would be even more valuable if the census were not so dominated by racialism. Whether a person speaks the language of his father's 'race' has no particular significance. The only point which is interesting is that nearly everybody suffers from the delusion that he knows what his father's 'race' is. Because of this emphasis on a fictitious 'race' instead of a very real home language, some of the most important information is not available. Nevertheless, it seems worth while to extract such information as can be obtained.

### I. Spoken Languages

Of the languages spoken in the Island, information is given about Sinhalese, Tamil and English only. Unfortunately it is not possible to ascertain which is the home language and which the subsidiary language. Nor are the figures likely to be accurate. Though the census returns are used only for statistical purposes, there would be a temptation to add to the number of languages; English has a cash value, and both Sinhalese and Tamil have potential cash values. Nor indeed is it easy for an honest citizen to say what languages (other than his own language) he speaks. There are many who speak a sort of Sinhalese, a sort of Tamil and a sort of English. For what they are worth, however, the figures are given below.

#### (1) *Sinhalese*

Taking the Island as a whole (persons over the age of 2), 75.5 per cent. of the population claim to be able to speak Sinhalese, the figure being made up as follows:—

Sinhalese only	..	61.4 per cent.
Sinhalese and Tamil	..	8.8 per cent.
Sinhalese and English	..	2.9 per cent.
Sinhalese, Tamil and English	..	<u>2.4 per cent.</u>
Total	..	<u>75.5 per cent.</u>

Among the revenue districts Hambantota, Galle, Matara and Kurunegala, in that order, are the most Sinhalese-speaking, all having more than 96 per cent. of the population able to speak Sinhalese. Kalutara, Chilaw and Colombo, with 91.9, 91.8 and 91.2 per cent., come next. Kegalle, Anuradhapura and



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Ratnapura have more than 80 per cent. The hill country varies from 75.5 per cent. in Matale to 43.5 per cent. in Nuwara Eliya. Puttalam is on the linguistic border with 58.6 per cent. In the Eastern Province, Trincomalee has 26.3 per cent. and Batticaloa 7.6 per cent. In the North, Vavuniya has 21.0, Mannar 8.0, and Jaffna only 3.0 per cent.

In the urban areas the most interesting figures are :—

Colombo	..	..	..	75.5 per cent.
Kandy	..	..	..	87.4 per cent.
Galle	..	..	..	91.2 per cent.
Jaffna	..	..	..	6.9 per cent.
Trincomalee	..	..	..	40.1 per cent.
Puttalam	..	..	..	29.7 per cent.

Table 34, which shows the distribution according to age and sex, does not give the percentages, and accordingly analysis is more difficult. It may however be worth while to give the percentages for the ages of 10 to 14, 20 to 24, 30 to 34 and 40 to 44.

			Male	Female	Both Sexes
10 to 14	..	..	77.2	75.9	76.6
20 to 24	..	..	76.5	76.7	76.6
30 to 34	..	..	75.8	74.2	75.1
40 to 44	..	..	74.1	72.9	73.6

## (2) Tamil

The proportion of the population over the age of 2 able to speak Tamil is 37.5 per cent. made up as follows :—

Tamil only	..	..	..	23.3 per cent.
Tamil and Sinhalese	..	..	..	8.8 per cent.
Tamil and English	..	..	..	1.0 per cent.
Tamil, Sinhalese and English	..	..	..	2.4 per cent.

Total .. 37.5 per cent.

Among the revenue districts the most Tamil-speaking are, of course, in the Northern and Eastern Provinces, varying from 99.3 per cent. in Jaffna to 87.0 per cent. in Trincomalee. The hill country shows variation from 69.6 per cent. in Nuwara Eliya to 31.5 per cent. in Ratnapura and 23.5 per cent. in Kegalle. Colombo district has 24.1 per cent., Chilaw 22.3, and Anuradhapura 25.9. Puttalam is marginal with 56.6. In the south the percentages are low, from 7.9 per cent. in Galle to 4.6 in Hambantota.

In the urban areas the most interesting figures are :—

Colombo	..	..	..	61.9 per cent.
Kandy	..	..	..	50.9 per cent.
Galle	..	..	..	25.5 per cent.
Jaffna	..	..	..	98.6 per cent.
Trincomalee	..	..	..	82.1 per cent.
Puttalam	..	..	..	90.4 per cent.



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The analysis according to age and sex, on the same lines as for Sinhalese, is as follows :—

			<i>Male</i>	<i>Female</i>	<i>Both Sexes</i>
10 to 14	..	..	29·3	29·2	29·3
20 to 24	..	..	43·1	31·3	37·4
30 to 34	..	..	46·8	34·5	41·3
40 to 44	..	..	47·7	35·6	42·4

In considering these figures it must be remembered that a portion of the Tamil-speaking population is immigrant.

### (3) *English*

The proportion of the population over the age of 2 able to speak English is 6·5 per cent. made up as follows :—

English only	..	..	0·2 per cent.
English and Sinhalese	..	..	2·9 per cent.
English and Tamil	..	..	1·0 per cent.
English, Sinhalese and Tamil	..	..	2·4 per cent.
Total	..	..	<u>6·5 per cent.</u>

The preconceived idea with which one sets out is that English is almost exclusively an urban language. This proves not to be so, as the following figures show :—

			<i>All Areas</i>	<i>Urban Areas</i>
Total Population	..	..	6,158,187	958,290
English only	..	..	11,703	5,912
English and Sinhalese	..	..	178,224	96,331
English and Tamil	..	..	63,104	27,457
English, Sinhalese and Tamil	..	..	<u>149,245</u>	<u>93,310</u>
English-speaking	..	..	<u>402,276</u>	<u>223,070</u>

Thus, 55·4 per cent. of the English-speaking people are in the towns. The reason for the preconception is that in the towns 24·2 per cent. of the population speak English.

The percentages being small, it is more convenient to consider the numbers. Among the revenue districts, Colombo is easily first with 186,406, with Jaffna and Kandy the next with 35,344 and 33,332. Of the others, only Kalutara with 21,116 and Matara with 10,310 exceed 10,000. Puttalam with 1,045 and Vavuniya with 837 are the lowest.

Among the urban areas, Colombo has much the largest English-speaking population, namely, 96,187. It is, in fact, worth while to sort out the languages for Colombo Municipality. They are :—

Sinhalese only	..	..	..	93,237
Sinhalese and Tamil	..	..	..	81,815
Sinhalese and English	..	..	..	32,489
Sinhalese, Tamil and English	..	..	..	<u>42,277</u>
Total Sinhalese	..	..	..	259,818



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Tamil only	..	..	..	69,194	
Tamil and Sinhalese	..	..	..	81,815	
Tamil and English	..	..	..	10,545	
Tamil, Sinhalese and English	..	..	..	49,277	
Total Tamil	..	..	..		210,831
English only	..	..	..	3,876	
English and Sinhalese	..	..	..	32,489	
English and Tamil	..	..	..	10,545	
English, Sinhalese and Tamil	..	..	..	49,277	
Total English	..	..	..		96,187

Expressed in percentages, 75.5 speak Sinhalese, 61.9 speak Tamil, and 28.3 speak English.

As might be expected in view of the educational system, the number who can speak English rises rapidly between the age-groups 5 to 9 and 10 to 14. If we consider only the age-groups over the age of 9, the percentage who can speak English is 7.7 per cent.

The number in selected age-groups who can speak English are :—

			<i>Male</i>	<i>Female</i>	<i>Total</i>
10 to 14	..	..	27,751	19,147	46,898
20 to 24	..	..	43,023	18,152	61,175
30 to 34	..	..	30,734	9,317	40,051
40 to 44	..	..	19,864	5,294	25,158
50 to 54	..	..	10,569	3,069	13,638

## (4) *Bilingualism*

The proportion of the population which can speak only one of the three languages is 83.9 per cent. In the urban areas it is only 59.5 per cent. and in Colombo only 48.8 per cent. Strictly speaking, a person is bilingual only if he is equally fluent in two languages, and common experience suggests that this is rare in Ceylon, unlike Wales and South Africa, where it is normal. Since the census does not, and probably could not, deal in degrees of fluency, we may for present purposes consider a person bilingual if he speaks two languages, however great be the difference in fluency (e.g. English and 'Cooly Tamil'). On this basis, 12.7 per cent. are bilingual and 2.4 per cent. are trilingual.

Those who are bilingual in Sinhalese and Tamil are 8.8 per cent., or in the urban areas 17.8 per cent. Such bilingualism exists mainly, as one would expect, where the two language-groups mix. We know from experience that the educational system has nothing to do with it, except indirectly, because it is rare for both languages to be taught to the same child. Among the revenue districts the most bilingual areas are :—

Matale	..	..	..	15.1 per cent.
Kandy	..	..	..	14.6 per cent.



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Puttalam	..	..	..	13·9 per cent.
Chilaw	..	..	..	13·1 per cent.
Badulla	..	..	..	13·0 per cent.
Nuwara Eliya	..	..	..	11·1 per cent.
Anuradhapura	..	..	..	10·9 per cent.
Ratnapura	..	..	..	10·6 per cent.
Colombo	..	..	..	10·1 per cent.

These figures would suggest that bilingualism is commonest in the estate areas and the 'marches' between the Sinhalese-speaking and the Tamil-speaking areas. They are, however, a little misleading because of the large proportion of trilingual people. If these are added, the revenue districts which are most bilingual in Sinhalese and Tamil are:—

Kandy	..	..	..	17·8 per cent.
Matale	..	..	..	17·4 per cent.
Colombo	..	..	..	15·8 per cent.
Trincomalee	..	..	..	15·6 per cent.
Puttalam	..	..	..	15·3 per cent.
Badulla	..	..	..	14·9 per cent.
Chilaw	..	..	..	14·2 per cent.
Nuwara Eliya	..	..	..	13·3 per cent.
Anuradhapura	..	..	..	12·4 per cent.

It will be seen that, contrary to most preconceived ideas, the most cosmopolitan district and the most cosmopolitan province are those in which the University has been placed.

In the urban areas the figures are:—

Wattegama	..	..	..	56·0 per cent.
Hambantota	..	..	..	47·7 per cent.
Bandarawela	..	..	..	47·5 per cent.
Kadugannawa	..	..	..	44·5 per cent.
Nawalapitiya	..	..	..	44·0 per cent.
Gampola	..	..	..	43·3 per cent.
Nuwara Eliya	..	..	..	42·8 per cent.
Negombo	..	..	..	40·6 per cent.
Matale	..	..	..	39·5 per cent.
Kandy	..	..	..	38·8 per cent.
Colombo	..	..	..	38·5 per cent.
Balangoda	..	..	..	36·1 per cent.
Badulla	..	..	..	35·3 per cent.

The high place secured by the three towns nearest to the University—Kadugannawa, Gampola and Kandy—is noteworthy. If we must have a bilingual university, Peradeniya seems to be the place for it! One's guess as to the district and town which are most monolingual turns out to be correct. In Jaffna District only 2·4 per cent. and in Jaffna Town only 5·4 per cent., can speak Sinhalese as well as Tamil.



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A knowledge of English usually goes with a knowledge of either Sinhalese or Tamil or of both. Only 0·2 per cent. of the population, or 0·6 per cent. in the urban areas, speaks English only. Most of them, probably, are classed elsewhere as 'Europeans'. On the other hand, 6·3 per cent. of the population speak English and either Sinhalese or Tamil or both: 5·3 per cent. speak Sinhalese and 3·4 speak Tamil, including in both cases the 2·4 per cent. who speak both. It will be seen that the census gives no support to the theory that a Ceylonese who speaks English forgets his 'mother tongue': but, of course, the census gives us no indication of the quality of the language spoken. What is more, there is a connection between a knowledge of English and an ability to learn Sinhalese or Tamil as third language. Of the 687,234 people who speak both Sinhalese and Tamil, 149,245 or 21·7 per cent. speak English also. The number of people who speak English is 402,276. Hence 37·1 per cent. of the people who speak English speak both Sinhalese and Tamil also.

The revenue districts in which bilingualism including English is most common are Colombo with 13·6 of the population, Trincomalee with 12·4, Jaffna with 8·7, Kandy with 6·4 and Galle with 5·6. Except in the case of Trincomalee, this obviously reflects the distribution of English schools. Among the towns the figures are:—Dehiwala-Mount Lavinia 30·7 per cent.; Bandarawela 28·5; Kandy 27·7; Colombo 27·2; Kotte 27·0; Nawalapitiya 26·9; Kegalle 26·4; Hatton-Dikoya 25·3; Nuwara Eliya 23·5; Wattegama 22·5; Panadure 22·3. This list suggests a close connection between bilingualism (with English) and the middle class.

### II. Written Languages

The census test of literacy is ability to read and write a short letter; but rarely, if ever, was the test imposed. The figures must therefore be regarded with some suspicion. They would tend to exaggerate the number of literates. A person who had attended school for three or four years—and there are many such persons in Ceylon—might be able to read and write with difficulty, but he would soon lose the facility unless he actually did both quite frequently. He would, however, continue to assume that he was literate.

Another difficulty of the literacy tables is that children of the ages of 5 to 9 are included. Indeed, over one-quarter of them—222,869 out of 811,363—are classed as literate. There is perhaps something to be said for the inclusion. Many of the so-called literates in the higher age-groups will have had no more than three or four years' schooling—and must therefore be regarded as no more literate than children of 9: on the other hand, what one really wants to know is the efficiency of the schools.

The percentages of literacy in the various age-groups up to 64 are as follows:—

			<i>Males</i>	<i>Females</i>	<i>Total</i>
5 to 9	..	..	28·8	26·1	27·4
10 to 14	..	..	68·6	54·8	61·9
15 to 19	..	..	79·5	59·0	70·0
20 to 24	..	..	83·7	56·2	70·3



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			<i>Males</i>	<i>Females</i>	<i>Total</i>
25 to 29	..	..	83.3	50.3	67.9
30 to 34	..	..	81.5	46.4	65.6
35 to 39	..	..	77.8	40.8	61.5
40 to 44	..	..	76.7	37.7	59.8
45 to 49	..	..	73.8	33.7	56.7
50 to 54	..	..	72.1	30.8	53.0
55 to 59	..	..	70.8	28.8	53.2
60 to 64	..	..	67.2	25.7	48.3

These figures depend primarily on the success of the educational system in each quinquennium. One must, however, remember that the population has increased rapidly, thus making difficult the task of overtaking illiteracy ; and also that the mortality being higher among women, the literacy rate is kept up in the later ages by the survival of more men proportionately. Certain conclusions may however be drawn :—

- (i) The absurdity of including the 5 to 9 age-group is demonstrated. The figures for that group are almost worthless.
- (ii) The improvement in the literacy rate among males in the last thirty years has been slow. Though a detailed investigation into previous census reports would be needed to prove the case, the present high standard of literacy among males seems to be due to a combination of colonial rule and missionary enterprise.
- (iii) The improvement in the literacy rate among females has been rapid. This has evidently been due to a change in social convention which is still going on. The University, for instance, bears witness to it.
- (iv) It would be unwise to draw the conclusion from the figures below 24 that deterioration has set in, because it may be due to education of 'over-age' pupils. It must be remembered, too, that the census was taken at the end of a war during which expansion of schools to meet the needs of an increasing population was difficult. Even so, the rapid increase in the population since 1946, added to the apparent fall, must cause efforts to be redoubled.
- (v) As the Special Committee on Education said, compulsory education is not compulsory. With genuine compulsory education for both sexes, the literacy rate would be 100 per cent. in theory and about 98 per cent. in practice.

It will now be convenient to work out similar figures for the urban areas alone, omitting the figures for the 5 to 9 age-group as valueless. Also, after the age of 24, every other group is taken.

			<i>Males</i>	<i>Females</i>	<i>Total</i>
10 to 14	..	..	74.6	68.1	71.5
15 to 19	..	..	84.7	75.1	80.8
20 to 24	..	..	88.5	74.4	83.3
30 to 34	..	..	85.9	66.6	78.7
40 to 44	..	..	82.8	59.5	73.8
50 to 54	..	..	78.7	53.7	68.0
60 to 64	..	..	74.8	48.1	62.4



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These figures are similar to those for the whole Island, but are at a considerably higher level. There is, however, much less differentiation between males and females. Clearly there has been a change of social conventions in the towns, but it is not so noticeable in the villages.

The key age-group is evidently 20 to 24. It will therefore be useful to take some samples of districts and towns at that age.

		<i>Males</i>	<i>Females</i>	<i>Total</i>
Colombo District	..	89.5	77.3	84.1
Kandy District	..	78.2	41.0	59.9
Nuwara Eliya District	..	76.4	29.0	52.8
Hambantota District	..	74.6	33.1	54.3
Jaffna District	..	89.1	80.0	84.2
Batticaloa District	..	76.8	29.4	51.3
Anuradhapura District	..	80.1	35.6	63.0
Colombo Municipality	..	88.5	73.1	83.8
Kandy Municipality	..	86.0	70.0	79.1
Dehiwala-Mount Lavinia		89.6	77.7	84.1
Moratuwa	.. ..	91.5	84.1	87.6
Beruwala	.. ..	85.2	50.5	66.0
Kadugannawa	..	89.5	81.3	86.6
Wattegama	.. ..	93.2	78.6	90.3
Ambalangoda	..	92.7	86.4	89.3
Hambantota	..	82.6	65.8	74.2
Jaffna	.. ..	93.4	89.4	90.2
Batticaloa	.. ..	85.7	69.4	77.7
Puttalam	.. ..	82.4	48.4	67.1
Bandarawela	..	94.1	78.2	90.4

Certain conclusions which might be drawn from these figures can be checked by the 'racial' figures, which are otherwise useless.

			<i>Males</i>	<i>Females</i>	<i>Total</i>
Sinhalese	.. ..		72.6	48.1	61.0
Tamils	.. ..		62.9	33.8	49.6
Moors	.. ..		66.5	22.6	47.5

The following rather tentative conclusions may be suggested:—

- (i) The social conventions of the Muslims continue to hinder the education of girls.
- (ii) The estate population also pays little attention to the education of girls.
- (iii) The most literate sections of the population are on the west coast in the Western Province and in the Jaffna Peninsula.



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- (iv) The objections of the Ceylon Tamils to the education of girls are disappearing, and in fact the Jaffna Peninsula shows a high standard of literacy among females.
- (v) In no place in the Island can compulsory education be said to be really compulsory, though in a few places literacy attains 90 per cent.

### III. Conclusion

Those who regard statistics about language as material for propaganda will not find much to help them. The true 'microscopic minority' is the 0·2 per cent. who speak English but not Sinhalese or Tamil, and few of them will be Ceylonese. English, in fact, goes not only with bilingualism but also with trilingualism, for whereas 3·9 per cent. speak English and either Sinhalese or Tamil, 2·4 per cent. speak English and both Sinhalese and Tamil. One would like to know more about the quality of all three languages, but at least it can be said that the learning of English does not prevent the learning of a third language. On the other hand, the number bilingual in Sinhalese and Tamil is surprisingly large at 8·8 per cent., to which must be added the 2·4 per cent. who are trilingual. It is encouraging to note that one person in nine can speak both Sinhalese and Tamil.

In Colombo 28·3 per cent. of the population speak English ; in the urban areas as a whole the proportion is 24·2 per cent.; in the rural areas the proportion is of course small, only 3·5 per cent., but the number is nearly 180,000, a larger figure than had been anticipated.

It would not be easy to draw conclusions from the fact that in the higher age-groups the proportion of Sinhalese-speaking people declines and the proportion of Tamil-speaking people increases. It may be the result of a differential rate of natural increase or be the effect of migration. No doubt, too, there is a growing belief that Sinhalese has a cash value ; but this may not have operated in 1946.

Comments on the literacy figures have been given above. There is still (or was in 1946) much leeway to be made in respect of compulsory education, particularly because the rate of natural increase has been shooting up since 1946. Though the proportion of illiterates has diminished since 1921, the number has increased.

W. IVOR JENNINGS



# *The Vocational Attitudes of Ceylonese Graduate Teachers*

## **Introduction**

**A** central aim of democracy is the provision of equality of educational opportunity, so that the paths of educational and social progress are open to those who have ability, and not merely to those who enjoy economic or other privilege. The reward of success in educational attainment in Ceylon is individual social progress, because education in Ceylon is a search for status (1). Status is, to a considerable extent, a reflection of the prestige given to occupations. This relative prestige acts as a motivating agent in the choice of a career by acting as a determinant of vocational attitudes.

The significance of occupational organisation in relation to social structure is widely realized by sociologists, who have made many studies of vocational attitudes as indices of the value systems of society.

In countries where diversified educational provision is made to meet different aptitudes, abilities and interests it is well known that different kinds of schooling come to have different levels of prestige. These are directly related to the status levels of the occupations to which they give access, which are largely determined by economic rewards. In Ceylon practical education has a low prestige (2) because it may not lead to occupations of high status. There thus comes about a disparity between occupational needs and occupational ambitions. In addition to these sociological features there is the further fact that teachers' own vocational attitudes may influence the vocational attitudes of their pupils.

It is therefore of importance for the educationalist to become concerned with the problems of vocational attitude along several lines. The vocational attitudes of pupils in Ceylon schools have already been explored (1 and 3), as have those of students entering the University (4). The present paper is concerned with the vocational attitudes of teachers.

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# THE VOCATIONAL ATTITUDES OF GRADUATE TEACHERS

## Problem

The aim of this paper is to study the attitudes towards the relative status of a number of common occupations in Ceylon among a group of graduate teachers, to explore the relationship between prestige status and economic status and to discuss the implications of the findings.

## Experimental Group

The teachers used for this study were the 48 men graduates attending the course for the Diploma in Education in the University of Ceylon, 1951-52. All were experienced teachers with at least five years service, familiar with the problems involved in advising on the choice of a career.

## Method

Each teacher was given a list of 176 occupations and asked to rate each one as A, B, C or D in terms of vocational status. The protocols were scored by weighting 4, 3, 2 and 1 for the four categories. The total scores for each occupation were found and the whole series arranged in rank order of numerical value.

The initial economic status of as many as possible of the government occupations was determined by consulting suitable sources and the upper limits of salary scales used to provide a second rank order presentation.

The two sets of rank orders were compared by correlation and other means.

## Results

### 1. Vocational Status Ratings

The total weighted scores ranged from 151 to 36. The frequency distribution is shown in Table I.

TABLE I  
*Frequency distribution of vocational rating scores*

<i>Score Range</i>	<i>Frequency</i>
151-160 .. ..	1
141-150 .. ..	7
131-140 .. ..	6
121-130 .. ..	11
111-120 .. ..	8
101-110 .. ..	6
91-100 .. ..	17
81- 90 .. ..	23
71- 80 .. ..	29
61- 70 .. ..	13
51- 60 .. ..	19
41- 50 .. ..	27
31- 40 .. ..	9
	<hr/> 176 <hr/>



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The major points of interest in the ratings can best be shown by selecting examples spread over the whole range, as shown in Table 2.

TABLE 2

*Selected examples of vocational ratings*

<i>Score Range</i>	<i>Point Score</i>	<i>Rank Order</i>	<i>Occupational Examples</i>
151-160	151	1	.. university professor
	147	2	.. doctor
141-150	146	3	.. civil servant
	143	4	.. district judge
	141	5	.. superintendent of police
	139	6	.. stipendiary magistrate
	138	7	.. advocate
131-140	135	8	.. assistant superintendent of police
	132	9	.. chief accountant
	130	11	.. member of parliament
121-130	127	13	.. income tax assessor
	125	15	.. electrical engineer
	121	17	.. planter
	120	18	.. architect
111-120	117	20	.. estate superintendent
	115	21	.. headmaster
	111	22	.. manager of tourist agency
	110	23	.. tea research worker
101-110	109	24	.. principal, certified school
	107	26	.. post master
	103	27	.. registrar of lands
	99	29	.. inspector of police
91-100	97	30	.. teacher, english school
	96	31	.. inspector, valuation dept.
	91	36	.. radio broadcasting officer
	89	38	.. proctor
	88	39	.. hardware merchant
81- 90	87	40	.. apothecary
	85	42	.. farmer
	84	43	.. teacher in vernacular school



# THE VOCATIONAL ATTITUDES OF GRADUATE TEACHERS

TABLE 2—Contd.

<i>Selected examples of vocational ratings</i>				
<i>Score Range</i>	<i>Point Score</i>	<i>Rank Order</i>	<i>Occupational Examples</i>	
71-80	80	.. 46	..	manager of co-op. store
	76	.. 50	..	rubber dealer
	73	.. 53	..	food inspector
	71	.. 55	..	shorthand typist
61-70	68	.. 56	..	prison overseer
	65	.. 58	..	boutique owner
	63	.. 60	..	prison-guard
	61	.. 61	..	telephone operator
51-60	59	.. 62	..	car repair mechanic
	58	.. 63	..	goldsmith
	53	.. 67	..	carpenter
	51	.. 69	..	taxi-driver
41-50	48	.. 71	..	astrologer
	46	.. 73	..	hospital attendant
	43	.. 76	..	blacksmith
	41	.. 77	..	railway cabin man
31-40	39	.. 78	..	coolly
	38	.. 79	..	peon
	37	.. 80	..	watcher
	36	.. 81	..	labourer

In order to gain some estimate of the internal consistency of the results certain occupations were duplicated at widely different positions on the rating sheets. The variations obtained are shown in Table 3.

TABLE 3

*Variations of point scores and rank orders as criteria of consistency*

<i>Occupation</i>	<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>	<i>E</i>	<i>F</i>	<i>G</i>	<i>H</i>
Advocate	138	118	20	17.4%	71	59	12	15 %
head guard, CGR	94	91	3	2.6%	33	36	3	3.75%
sanitary inspector	82	77	5	4.3%	45	49	4	5.0 %
signalman	54	47	7	6 %	66	72	6	7.5 %
Petrol pump operator	46	44	2	1.7%	73	75	2	2.5 %

A = highest point score received.

B = lowest point score received.

C = difference in point scores.

D = difference as % of total range of point scores (151 to 36 = 115).

E = highest rank order.

F = lowest rank order.

G = difference in rank order.

H = difference as % of total rank order range (1 to 81 = 80).



The only marked difference is in the case of advocate. This is probably due to a real bi-modal attitude arising from the fact that in rating the profession of advocate all candidates would think of the training involved and only some would contemplate undergoing such further training. In other cases the differences of status were comparatively small.

This data can be considered as possessing an acceptable degree of consistency and providing a reliable estimate of the relative status of a number of occupations as seen by teachers.

## 2. Economic Levels

While it is well known that economic reward plays a considerable part in determining vocational attitudes and ambitions there are other factors involved which should not be overlooked. Of these security and prestige deriving from the local culture pattern should be noted. The search for security has been demonstrated in Ceylon by Straus (4) and Green (1). In the last case it was reported that the security of government employment is so highly rated that in an Islandwide survey of school leavers the percentage seeking such employment never fell below 75 per cent. (Western Province, offering the . . . widest scope of non-governmental employment) and even rose to 99 per cent. in Northern Province.

In order to explore the relation between the rank orders already recorded in Table 2 and the economic levels of the different occupations information was obtained from the Treasury concerning salary scales for 37 of the 176 occupations studied for which a government scale existed. By extracting and arranging in rank order the prestige rating and the salary levels of these occupations the rank order correlation was calculated for entering and final salaries. The co-efficients of rank order are respectively  $+ .95$  and  $+ .93$ . Thus there is a very high correlation between the prestige status of an occupation, as viewed by the teachers in the sample, and its economic status.

## Discussion

Vocational attitudes reflect social structure which itself reflects, in a broad manner, the past history of the people. To the extent that the history of Ceylon differs from that of United Kingdom or United States of America there would be expected differences of vocational attitude in these countries. Against this must be placed the facts that working represents, for all peoples, a means of satisfying the universal need of earning a living and that certain functions are universal in all societies, teaching, ministering to the sick and the conducting of religious activities, for example. It is thus to be postulated that vocational attitudes may be characterized by both similarities and dissimilarities between any two societies.



## THE VOCATIONAL ATTITUDES OF GRADUATE TEACHERS

Ceylon, in comparison with United States of America, as an example of a westernized society demonstrates, this bi-modal differentiation. In United States of America doctor, lawyer and accountant rank high, as they do in Ceylon. In United States of America dustman rates low, as does the street coolie in Ceylon. Such comparisons are more clearly seen by using the data from Smith (5), selecting occupations which were also included in the Ceylon study, and arranging in rank order within the selected group. The figures are given in Table 4.

TABLE 4  
*Comparative occupational prestige in U.S.A. and Ceylon*  
*Rank order within selected group*

Occupation				Rank order within selected group	
				U.S.A.	Ceylon
Doctor	..	..	..	I	.. I
Lawyer	..	..	..	2	.. 2
Accountant	..	..	..	3	.. 3
Construction foreman		..		4	.. 5 = (building contractor)
Police constable	..	..		5	.. 14
Farmer	..	..	..	6	.. 7
Engine-driver	..	..	..	7	.. 4
Clerk	..	..	..	8	.. 6
Carpenter	..	..	..	9	.. 10 =
Sales clerk	..	..	..	10	.. 8
Car driver	..	..	..	11	.. 12
Factory worker	..	..	..	12	.. 12 =
Hotel waiter	..	..	..	13	.. 9
Train attendant	..	..	..	14	.. 10 =
Dustman	..	..	..	15	.. 15

The comparison of relative rankings in this Table must be done within the Table limits. The rank orders are only quantitatively true in this sense and the point score values for different occupations, as given in Table 2 and Smith's original records (5) would vary quantitatively, though the relative orders would be constant. In western societies the economic factor is known to be operative and its operation has already been demonstrated in Ceylon. Thus, in broad outline both Ceylonese and Americans (United States of America) react in a similar manner to the same factor. The cases of major differences are those of police constable and waiter. This is probably due to the operation of a culture pattern factor, in terms of tradition, in Ceylon. Ryan (3) has shown the existence of an urban rural differentiation whereby rural youth preserves traditional values longer than urban youth. A study by the senior author (1) demonstrates the same feature in terms of Provinces, the more



backward and rural areas giving vocational attitudes more closely related to tradition than is the case in the highly westernized Western Province. It is the operation of this traditional value system which leads rural youth to rate teacher and farmer high as reflecting ' guru ' and ' goigama ' a prestige in the past.

Teachers tend to differ from this because as adults, they are more concerned with financial factors. They for example, rate teaching low while pupils rate it high because they are still influenced by the ' guru ' tradition. A similar relationship exists in relation to farmer, rated low for economic reasons by teachers and high by pupils because of the high prestige of the ' goigama ' caste, to which the farmers belong.

The findings reported here, though they demonstrate the greater effect of the economic factor, tend to confirm those reported earlier for school leavers (1). Taken together the two sets of data suggest that the problem of vocational guidance is one of importance in Ceylon. On the one hand tradition and economic rewards give prestige to a narrow band of occupations which tend to be of non-productive type. On the other hand, and for the same reasons, there are many productive occupations which enjoy only a low prestige. The implications of this situation have already been explored (1) and it will now be seen that the attitudes of teachers are such as to accentuate rather than relieve the situation. Thus, at a time when Ceylon is in need of a technical component in the population, to meet the expansion of technology, there are few indications that it will be forthcoming. Moreover the position is made worse by the fact that, of those who have received some form of technical education to an advanced level, many make no use of it because they enter administrative rather than technical services.

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AND

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## *West v. Abeyawardena*

IN the recent case of *West v. Abeyawardena*<sup>1</sup> four important questions in the law of fideicommissa came up for the consideration of our Supreme Court. On one of them no decision at all was given, and on another one of the two learned Judges who heard the appeal in effect expressed his agreement with an earlier decision. But on the two other points raised in the case Basnayake, J. (with whom Gunasekara, J. concurred with regard to one point) gave his decision after considering those points at some length. As one of these last two points has in recent years been the subject of much judicial discussion in both South Africa and Ceylon, and the other was in this case considered for the first time by the Ceylon courts, it is perhaps worthwhile making a close examination of the judgment of Basnayake, J. in *West v. Abeyawardena* as a preliminary to setting out what is conceived to be the law relating to the important points raised in that case.

The main facts in the case may be stated as follows. The plaintiffs as heirs of one Mututantrige Jane Fernando brought an action for a declaration of title to a portion of land. Jane Fernando's father, Siman Fernando, had been the original owner of the land. By deed No. 2110 of 4th October, 1883 (referred to in the judgment as deed P1B) Siman and his wife Maria gifted to their daughters, Cecilia and Jane, who at the time were 9 years and 6½ years respectively, the land which was known as 'The Priory' in equal undivided shares.

The gift was subject to the conditions that (a) Siman during his lifetime should be entitled to take the rents and profits of the land, that (b) after his death his wife should be entitled to half the rents and profits and the donees to the balance, that (c) the donees should not sell, mortgage, lease or otherwise alienate or encumber the land for a term longer than four years at a time, that (d) the rents and profits of the land were not to be liable to be sold in execution for the donees' debts, and that (e) after the death of the donees the land should devolve on their lawful issue and, in the event of any one of the donees dying without issue, her rights in the land should devolve on the surviving donee. The gift was accepted on behalf of the donees, who were minors, by one Jacob Cooray, a brother-in-law,<sup>2</sup> and by two brothers of the donees.

Thirteen years later, in 1896, the donors, stating that they wished to make better provision for their unmarried daughters, applied to Court under the Entail and Settlement Ordinance (No. 11 of 1876) for authority to have 'The Priory' retransferred from the donees to the donors free of fideicommissum,

1. 53 N.L.R. 217.

2. 53 N.L.R. at p. 223.



and 'in lieu of and instead of the said premises called The Priory', to have a property called 'Siriniwasa' transferred from the donors to the donees, subject to certain conditions. Conditions (a) and (b) set out above as attaching to the gift of 'The Priory' were repeated, but in place of conditions (c), (d) and (e) (which had created a fideicommissum in favour of the donees' issue) different conditions were to be imposed on the transfer of 'Siriniwasa', namely, that the donees were not to sell, mortgage or otherwise alienate it except with the consent of the donors or the survivor of them. The two donees, Cecilia and Jane, were made respondents to the donors' application, (Jane who was still a minor being represented by her brother as guardian *ad litem*), and the Court granted the application. The order of the Court was implemented by deed No. 1398 of 23rd June, 1896 by which the donors conveyed 'Siriniwasa' to Cecilia and Jane subject to the conditions specified in their application to Court, and by deed No. 1399 of the same date Cecilia and the guardian *ad litem* of the minor Jane reconveyed 'The Priory' to the donors free of the fideicommissum that had been originally imposed upon it.

Deed No. 1398 of 23rd June, 1896 did not by its terms impose on 'Siriniwasa' any conditions (like those which had originally been imposed on 'The Priory') creating a fideicommissum in favour of issue of the donees. Acting perhaps on the assumption that the only conditions imposed on 'Siriniwasa' by the order of Court and by deed No. 1398 were the life-interest reserved to the donors and a prohibition on alienation by the donees without the donors' consent, Cecilia by deed No. 1401 of 23rd June, 1896 sold her undivided share of 'Siriniwasa' to Siman, one of the donors.

By deed No. 2180 of 30th June, 1900, Siman and Jane, who were now co-owners of 'Siriniwasa', effected a partition of it by which the eastern portion was conveyed to Jane by Siman and the western portion was conveyed to Siman by Jane. By deed No. 3129 of 30th November, 1905, Jane, with the consent of her husband and of the donors Siman and Maria, sold her divided portion of 'Siriniwasa' to Siman. By deed No. 4218 of 6th December, 1907, Siman transferred the entirety of 'Siriniwasa' to his son James. Under the will of James his executors transferred the property to the Trustees of the Sri Chandrasekera Trust which had been established by the will. The Trustees sold the northern portion to Richard Lionel Pereira by deed No. 290 of 20th December, 1924 and by deed No. 340 of 20th April, 1935, Richard Lionel Pereira gifted the land he had bought to his daughter, Carmen Sylvene West, the defendant in the action.

Such were the facts of the case with regard to which there was hardly any dispute. The learned District Judge held that the original deed of gift P1B imposed on the donees of 'The Priory' a fideicommissum in favour of their issue; that the donors, having retained a life-interest in 'The Priory' and having also an interest in the fiduciary and fideicommissary donees, were qualified



to apply to Court under the Entail and Settlement Ordinance for an exchange of 'The Priory' for 'Siriniwasa'; that (on the authority of *Abeywardene v. Tyrell*<sup>3</sup>) the effect of the order of Court authorising the application under the Ordinance was to impress on 'Siriniwasa' the fideicommissum originally imposed on 'The Priory'; and that the rights of the plaintiffs, the fideicommissaries, in 'Siriniwasa' were effective even as against a *bona fide* purchaser for value of the property.

The defendant appealed to the Supreme Court, and in his judgment Basnayake, J. summarises<sup>2</sup> the chief points that were at issue between the parties to the appeal. These points may be restated as follows in the form of the arguments made on behalf of the appellant in the Supreme Court:—

- (1) that deed P1B did not bring into existence a fideicommissum because there was no valid acceptance by or on behalf of the fiduciaries and the fideicommissaries;
- (2) that even if the deed brought into existence a fideicommissum, the fideicommissum had been destroyed by the proceedings under the Entail and Settlement Ordinance in which the Court authorised a transfer of 'Siriniwasa' without the burden of a fideicommissum;
- (3) that even if the deed created a fideicommissum and even if the omission by the Court to order the fideicommissum to be impressed on 'Siriniwasa' did not in itself render it free of fideicommissum, the application under the Entail and Settlement Ordinance had not been made by the proper party and the order of the Court made on that application was consequently null and void;
- (4) that in any case the appellant was in the position of a *bona fide* purchaser for value without notice of the fideicommissum and, therefore, her rights should prevail over those of the fideicommissaries.

On the first point, Basnayake, J. held that even if the brother-in-law and brothers of the fiduciary donees could not properly accept deed P1B on their behalf, the latter had subsequently ratified the acceptance made for them by their brother-in-law and brothers.<sup>2</sup> But he held that there had been no acceptance of deed P1B by the fideicommissaries and that the acceptance of it by the fiduciaries did not amount to acceptance of it on behalf of the fideicommissaries,<sup>4</sup> because the fideicommissum created by the deed was not a *fideicommissum in favorem familiae* within the meaning of a passage in *Perezus ad Code 8.55.12*. *Perezus* there says that the general rule that a

3. 39 N.L.R. 505.

4. 53 N.L.R. at pp. 223-7.



fideicommissary donee acquires no rights under a fideicommissum created by donation unless he has accepted the gift does not apply where the fideicommissum is a fideicommissum in favour of a family, in which case acceptance by the fiduciary donee enures to the benefit of the fideicommissary donee.

Basnayake, J. came to his decision that the acceptance of the gift by the fiduciaries did not enure to the benefit of the fideicommissaries on two grounds. First, he was of the view that 'on this point the authorities are divided'<sup>5</sup>; and secondly, after an examination of a passage in Voet's *Commentaries* and certain passages in Sande's *De Prohibita Rerum Alienatione* he took the view that the fideicommissum created by deed PIB was not a *fideicommissum in favorem familiae* within the meaning of the passage in Perezius.<sup>6</sup> It is submitted with the greatest respect that the views of Basnayake, J. on both these points cannot be supported.

Let us first examine to what extent it is correct to say that 'on this point the authorities are divided'.<sup>5</sup> In support of this view Basnayake, J. cites two Ceylon cases (which we shall consider later) and a passage from Van Leeuwen's *Censura Forensis* (published in 1662), two passages from Pothier's *A Treatise on the Law of Obligations* (published in 1761) and a passage from Burge's *Commentaries on Colonial and Foreign Laws* (published in 1838). The passage from the *Censura Forensis*<sup>7</sup> is not quite relevant because it relates to the case of a donation under which the donee takes the property absolutely,<sup>8</sup> and not to the case (with which *West v. Abeyawardena*<sup>1</sup> was concerned) of a donation under which the donee takes the property subject to a fideicommissum in favour of a third party.

The passages cited by Basnayake, J. from Pothier and from Burge do deal with the latter case. But the former authority merely mentions the two opposite views (and the arguments in support of each) with regard to the question whether in cases where the fideicommissary donee has not accepted the gift the donor can by agreement with the fiduciary donee revoke the donation; but he does not unequivocally indicate which view he favours. The passage from Burge cited by Basnayake, J.<sup>9</sup> does indicate the author's view that 'unless . . . the fideicommissary had, by himself or another, accepted the donation, it was, in many cases, subject to revocation by the donor'. But the value of this opinion is qualified by the words 'in many cases'; and it is therefore to be regretted that, after citing the above sentence from Burge, the

5. 53 N.L.R. at p. 223.

6. 53 N.L.R. at pp. 225-7.

7. I.4.12.16.

8. In such a case, of course, it is undoubted law that acceptance of the donation by the donee is necessary to give him any rights in the property.

9. *Commentaries on Colonial and Foreign Laws*, 1838, Vol. II, p. 149.



learned Judge was content merely to continue 'Burge goes on thereafter to state the cases in which the donor is not free to revoke his gift' and that he did not actually set out those exceptions.

It is submitted, however, that instead of relying on passages from an 18th century French writer and a 19th century British one, we shall find it more profitable to turn to the treatment of fideicommissary donations by Perezius (who has justly been described<sup>10</sup> as 'the outstanding Civilian in the Netherlands in the 17th century'), especially because Burge himself relies on Perezius ad Code Book 8, Title 55 for all his propositions in the page from his *Commentaries* which Basnayake, J. cites. No excuse is, therefore, needed for setting out a summary of the views of Perezius on the subject.

Perezius says that there is a dispute with regard to the question whether, in cases where a fideicommissary donation has not been accepted by the fideicommissary donee, the donor can by agreement with the fiduciary donee revoke the fideicommissum. The majority, he says, hold the view that revocation is not possible, but some think that revocation is possible because the fideicommissary acquires no right until he accepts the donation.<sup>11</sup> Perezius seems to agree with the latter view,<sup>12</sup> and it is interesting to note that Voet also calls this 'the better opinion'.<sup>13</sup> But although Voet does not consider donations subject to fideicommissum in more detail,<sup>14</sup> Perezius does so. He goes on to consider the exceptional cases in which the other view that revocation is *not* possible would apply. These cases are (as Burge also says<sup>15</sup>) where the first donee is dead<sup>16</sup> (especially where he has delivered the property to the fideicommissary<sup>17</sup>), where the donor has died before the time when the property is to be restored to the fideicommissary,<sup>17</sup> where the donor has confirmed the gift by oath,<sup>18</sup> or where the gift is in favour of a family.<sup>19</sup>

It will thus be seen that, although the old authorities might at one time have been divided on the question whether as a general rule a donor could revoke a fideicommissary donation which had not been accepted by the fideicommissary donee, both Perezius and Voet were of the opinion that 'the better opinion'<sup>13</sup> of those who thought that revocation was as a general rule possible

10. by Warnkoenig (1794-1866). See A. A. Roberts, *A South African Legal Bibliography*, p. 236.

11. 8.55.7.

12. 8.55.7 and 8.

13. Voet, *Commentaries*, 39.5.43, citing *inter alios* Perezius.

14. See p. 15 below.

15. *Commentaries*, Vol. II, p. 149.

16. 8.55.9.

17. 8.55.10.

18. 8.55.11.

19. 8.55.12.



should prevail. But although Voet (who treats of the subject of fideicommissary donations very briefly and is content to refer to other authorities, such as Perezius and Zoesius, for a fuller treatment) does not mention any exceptions to the general rule, Perezius does mention such exceptions; and one of these exceptional cases in which revocation is not possible even where the fideicommissary has not accepted the donation is stated<sup>19</sup> to be where the fideicommissum is in favour of a family. As authorities for the last exception Perezius cites Molinaeus (Dumoulin) de Hisp. Primog. lib. 4, c. 2, n. 75 and 78 and Gomezius l. 40 Tauri n. 34, and 'Zoesius (ad Dig. Bk. 39 Tit. 5, par. 72) agrees with Perezius'.<sup>20</sup> Therefore, with regard to this last exception of a fideicommissum in favour of a family, it cannot be said that 'the authorities are divided' (even though it can be admitted that there was once a difference of opinion with regard to the *general rule* as distinguished from the *exceptions* to it).

We have now to consider whether with regard to this exceptional case of a fideicommissum in favour of a family, the *modern* authorities can be said to be divided even if the *old* authorities cannot. As far back as 1884 a Full Bench of the Ceylon Supreme Court had in *John Perera v. Avoo Lebbe Marikar* (1884)<sup>21</sup> accepted the principle stated by Perezius ad Code 8.55.12 to the effect that in the case of a fideicommissum in favour of a family acceptance by the fiduciary enures to the benefit of the fideicommissaries, even those not yet in existence. On this view, therefore, such a family fideicommissum, even in the absence of acceptance by the fideicommissaries, cannot, after acceptance by the fiduciary, be revoked by the joint action of the donor and the fiduciary without the consent of the fideicommissaries.

This view was followed in *Soysa v. Mohideen* (1914)<sup>22</sup>, *Abeyesinghe v. Perera* (1915)<sup>23</sup>, *Ayamperumal v. Meeyan* (1917)<sup>24</sup>, *Fernando v. Alwis* (1935)<sup>25</sup>, *Wijetunge v. Rossie* (1946)<sup>26</sup>, *Podi Appuhamy v. Mohemedu Abusali* (1949)<sup>27</sup>, and *Vallipuram v. Gasperson* (1950).<sup>28</sup> But in *Carolus v. Alwis* (1944)<sup>29</sup> Soertsz, J. made the unfortunate mistake of thinking that *John Perera v. Avoo Lebbe Marikar* (1884)<sup>21</sup> was not a Full Bench decision and not therefore binding

20. *Ex p. Orlandini*, 1931 O.P.D. at p. 142.

21. 6 S.C.C. 138.

22. 17 N.L.R. 279.

23. 18 N.L.R. 222.

24. 4 C.W.R. 182.

25. 37 N.L.R. 201.

26. 47 N.L.R. 361.

27. 41 Ceylon Law Weekly 61.

28. 52 N.L.R. 169.

29. 45 N.L.R. 156.



on him, and expressed the view<sup>30</sup> that the principle set out by Perezius ad Code 8.55.12 applied only to *perpetual* fideicommissa and did not apply to a *fideicommissum unicum* (i.e., a fideicommissum binding only on the first fiduciary).

In the subsequent case of *Wijetunge v. Rossie*<sup>31</sup> however, it was pointed out that *John Perera v. Lebbe Marikar*<sup>21</sup> was a Full Bench decision. Consequently, the principle in it is binding on all Ceylon Courts until abrogated by the Privy Council or by the Legislature.<sup>32</sup> Further, the view expressed in Perezius ad Code 8.55.12 and accepted in *John Perera v. Lebbe Marikar*<sup>21</sup> has been followed not only in the Ceylon decisions mentioned in the last paragraph, but also in many South African cases. See, for example, *Ex. p. Nel* (1929),<sup>33</sup> *Ex. p. Orlandini* (1931),<sup>34</sup> *Ex. p. Kleynhans* (1945),<sup>35</sup> *In re. Allen Trust* (1941),<sup>36</sup> *Ex. p. Isted* (1948)<sup>37</sup> and *Ex. p. Orchison* (1951).<sup>38</sup>

In none of the judgments in the abovementioned Ceylon or South African cases except in *Carolus v. Alwis*<sup>29</sup> was it suggested that the principle set out by Perezius applied only to a perpetual fideicommissum, and that it was inapplicable to a *fideicommissum unicum* (i.e., a fideicommissum binding only on the first fiduciaries) or that it was inapplicable to a *fideicommissum multiplex* (i.e., a fideicommissum binding on a successive series of fiduciaries) created by language not sufficiently strong to make the fideicommissum 'perpetual' in the literal sense. In *Wijetunge v. Rossie*<sup>39</sup> it was expressly pointed out that the disposition in the Full Bench case of *John Perera v. Lebbe Marikar*<sup>21</sup> did not contain language strong enough to create a 'perpetual' fideicommissum in the literal sense; and in *Ex. p. Orchison*,<sup>40</sup> where the question was specifically considered whether the principle set out by Perezius was restricted to perpetual fideicommissa, it was held that it was not so restricted and that the principle applied even to a *fideicommissum unicum* binding on only the first fiduciaries.<sup>41</sup>

30. 45 N.L.R. at p. 162.

31. 47 N.L.R. at p. 371.

32. See *Jane Nona v. Leo*, 25 N.L.R. 241.

33. 1929 N.P.D. 240.

34. 1931 O.P.D. 141.

35. reported at 1948 (2) S.A.L.R. 85.

36. 1941 N.P.D. 147.

37. 1948 (2) S.A.L.R. 71.

38. 1951 (3) S.A.L.R. 550.

39. 47 N.L.R. at p. 370.

40. 1951 (3) at p. 555.

41. Clayden, J. referred (1951 (3) S.A.L.R. at p. 555) not only to South African cases but also to the Ceylon law as stated in T. Nadaraja, *The Roman-Dutch Law of Fideicommissa as applied in Ceylon and South Africa*, p. 45.



It is true that in *John Perera v. Lebbe Marikar* the judgments use the word 'settlement',<sup>42</sup> a term of English Law, to describe the interests created by the deed of gift. But that word covers not only a disposition to one person for life and after his death for the use of several persons in succession, but also a disposition to one person for life and after his death for the benefit of another person absolutely<sup>43</sup>; and in any event no point was made in the judgments in *John Perera v. Lebbe Marikar*<sup>21</sup> or in any later case except *Carolus v. Alwis*<sup>29</sup> of the fact that the fideicommissum in *John Perera v. Lebbe Marikar*<sup>21</sup> was one which would have been binding beyond the first fiduciaries.

It has been mentioned above that *Ex. p. Orchison* (1951)<sup>38</sup> was one of the South African cases in which the principle in *Perezus ad Code 8.55.12* was applied, and that in this case it was expressly decided that the principle set out by *Perezus* was not restricted to perpetual fideicommissa and that it applied even to a *fideicommissum unicum*. Since *Ex. p. Orchison* (1951)<sup>38</sup> was reversed in *Ex. p. Orchison* (1952)<sup>44</sup>, it is necessary to say that the earlier case was reversed on a ground which does not affect the relevance of the earlier case in the present connection. In fact, in the later case *Ramsbottom, J.* expressly said<sup>45</sup> 'with regard to (counsel's) argument that we ought to dissent from the decision in *Orlandini's Case*'<sup>46</sup> (one of the leading South African cases which had accepted the view expressed in *Perezus ad Code 8.55.12* and which has been followed in subsequent cases both in South Africa and in Ceylon), 'I should hesitate long before dissenting from a decision of so eminent a Judge as Sir Etienne de Villiers which has been followed in two other Provincial Divisions'. What the Court held in the later case of *Ex. p. Orchison* (1952)<sup>44</sup> was that the principle set out by *Perezus* applied only to a fideicommissum in which the fiduciary took a beneficial interest, and that it was therefore inapplicable to the facts of the case before the Court in which the 'fiduciary' was merely a trustee with the bare dominium vested in him on trust for others.<sup>47</sup>

Consequently, the remarks of the Court in the later case of *Ex. p. Orchison* (1952)<sup>48</sup> as to the application of the principle in *Perezus* to cases of true fideicommissum in which the fiduciary himself takes a beneficial interest in the

42. 6 S.C.C. at p. 140.

43. Wharton, *Law Lexicon*, 14th edition, 1938, p. 922.

44. 1952 (3) S.A.L.R. 66.

45. 1952 (3) S.A.L.R. at p. 77.

46. 1931 O.P.D. 141.

47. See 1952 (3) S.A.L.R. at pp. 78-79; and cf. T. Nadaraja, *op. cit.* in n. 41 above, ch. 11 for the identification in South Africa of the English trust and the Roman fideicommissum and for the submission that this is to be deplored because the trust is not properly a fideicommissum.

48. 1952 (3) S.A.L.R. at pp. 74-8.



property, and as to the decision in *Orlandini's Case*<sup>46</sup> being based on the fact that the fideicommissum in that case was registered against the title to the land<sup>49</sup> were *obiter dicta*. As regards the latter point, there is no suggestion in the judgment in *Orlandini's Case*<sup>46</sup> that the fact of registration was considered decisive, and as Ramsbottom, J. himself points out in *Ex p. Orchison* (1952)<sup>50</sup> registration of the fideicommissum against the title to the land does not by itself confer any rights on the fideicommissaries without acceptance by or on their behalf,<sup>51</sup> the question of registration being relevant only to determine whether the rights acquired by the fideicommissaries are real or merely personal. In any event, in Ceylon, (unlike in South Africa) there is no registration of title<sup>52</sup> and, once the fideicommissum has been accepted by or on behalf of the fideicommissaries, they acquire rights that are real and not merely personal<sup>53</sup>; and further, the view expressed by Perezius ad Code 8.55.12 has been followed in the Ceylon decisions (as indeed in the South African decisions other than *Ex p. Orchison* (1952)<sup>44</sup>) with no suggestion that it depended on the fact that the fideicommissum was registered.

It must be noticed also that in the later case of *Ex p. Orchison* (1952),<sup>44</sup> the question considered by the Court was whether acceptance by the fideicommissaries was always necessary to give them rights, and not the question (which was specifically considered in the earlier case of *Ex p. Orchison* (1951)<sup>54</sup>) whether the principle in Perezius ad Code 8.55.12 applied only to perpetual fideicommissa. It is submitted, however, that although exception can be taken (as has been pointed out above<sup>55</sup>) to some of the remarks made *obiter* in the later case, the summary of the law with regard to acceptance of fideicommissary donations made in the same case<sup>56</sup> correctly states that law.

From an examination of the old authorities as well as the modern Ceylon and South African cases, we must therefore conclude that it cannot be said that 'the authorities are divided' with regard to the correctness of the legal proposition expressed in Perezius ad Code 8.55.12—namely, that a fideicommissary donation in favour of a family which has been accepted by the fiduciary donee cannot be revoked without the consent of the fideicommissaries, even though the latter have not themselves accepted it. But even if the correctness

49. 1952 (3) S.A.L.R. at p. 74, paragraph H.

50. 1952 (3) S.A.L.R. at p. 74.

51. cf. on this point *Ex p. Nel* 1929 N.P.D. at p. 243.

52. T. Nadaraja, *op. cit.*, p. 177 *ad med.*

53. cf. T. Nadaraja, *op. cit.*, ch. 8, n. 91 at pp. 172 *et seq.*

54. 1951 (3) S.A.L.R. at p. 555.

55. See last paragraph above.

56. 1952 (3) S.A.L.R. at p. 77, paragraph F to p. 78, paragraph B.



of this legal proposition be admitted, we have still to inquire whether Basnayake, J. was correct in holding that the fideicommissum created by deed P1B was not a fideicommissum in favour of a family within the meaning of the passage in Perezius. Basnayake, J. seems to have thought<sup>57</sup> that the phrase *fideicommissum in favorem familiae* covers only a *fideicommissum multiplex* (i.e., a fideicommissum binding on more than one grade of fiduciaries) and that the phrase does not cover a *fideicommissum unicum* (i.e., a fideicommissum binding only on the first takers of the property and no further). It is respectfully submitted that this view is not correct.

Thus, Professor Lee in his *An Introduction to Roman-Dutch Law*<sup>58</sup> points out that a *fideicommissum familiae* may be either *verbis in rem conceptis* (creating a *fideicommissum multiplex*) or it may be *verbis in personam conceptis* (creating a *fideicommissum unicum*); and in *Sopinona v. Abeywardene*<sup>59</sup> it was said 'Whether or not the fideicommissum is "single" (i.e. *unicum*) 'or "recurring" (i.e. *multiplex*) 'is a question to be answered by reference to the terms of the will and the intention of the testator expressed therein; for as Voet points out, a fideicommissum left to a family may be one or the other, and in the case of doubt will be decided in favour of the lesser burden on the property'. Compare also the remarks of Wijeyewardene, J. in *Wijetunge v. Rossie*.<sup>60</sup>

Again, Voet in his *Commentaries*,<sup>61</sup> (in a passage cited by Basnayake, J. in his judgment<sup>62</sup>), after saying that 'a fideicommissum can also be left to the family' and going on in the same section to consider what persons are embraced by the term 'family', goes on in the next section,<sup>63</sup> (which Basnayake, J. does *not* cite) to say: 'where a fideicommissum is left to a family the nature and effect of such a bequest is not the same in every case'; for the bequest may be of such a kind as to create a *fideicommissum unicum* binding only on the first fiduciary or it may be such as to create a *fideicommissum multiplex* binding on a successive series of fiduciaries.<sup>64</sup>

In his judgement<sup>65</sup> Basnayake, J. also relies for his view that the phrase *fideicommissum in favorem familiae* does not cover a *fideicommissum unicum*,

57. 53 N.L.R. at p. 225 *ad med.* to p. 226.

58. 4th edn., p. 378, n. 4 *ad fin.*

59. 30 N.L.R. at p. 298.

60. 47 N.L.R. at p. 370.

61. 36.I.27.

62. 53 N.L.R. at p. 225.

63. 36.I.28.

64. cf. T. Nadaraja, *op. cit.*, pp. 102-3.

65. 53 N.L.R. at p. 226.



on four passages from Sande's *De Prohibita Rerum Alienatione*,<sup>66</sup> without any indication that they do not all deal with the same point. It becomes necessary, therefore, to consider in some detail what Sande says in Chapters 5 and 6 of Book 3 of his *De Prohibita Rerum Alienatione* from which the passages cited by Basnayake, J. in his judgment are taken.

In 3.5.1-6 (which precede the first passage from Sande cited by Basnayake, J.), Sande had set out the difference between a fideicommissum which is 'simple or absolute' and a fideicommissum which is conditional in the sense that it becomes operative only in the event of breach of the wishes of the creator of the fideicommissum<sup>67</sup>; and in 3.5.7 (the first passage from Sande cited by Basnayake, J.), Sande points out that where there is a bequest to a family the fiduciary has a power of selecting the fideicommissaries unlike in the case where the property is left in a family.<sup>68</sup> It is submitted, however, that what Sande says in 3.5.1-7 has no bearing on the question whether the phrase *fideicommissum in favorem familiae* does or does not cover a *fideicommissum unicum*.

Then in the very next section (3.5.8) and in the following sections (3.5.9-14) Sande goes on to consider a quite different point—namely, 'is a fideicommissum which results from a prohibition against alienation outside the family *unicum* or is it *multiplex*' (i.e., is it binding only on the first fiduciary or also on successive takers of the property)? These last mentioned sections (3.5.8-14, which Basnayake, J. unfortunately does not cite), clearly show that a fideicommissum in favour of a family may be either a *fideicommissum unicum* or a *fideicommissum multiplex*. In 3.5.15 (the second of the three passages from Sande which Basnayake, J. cites<sup>69</sup>) Sande sets out the circumstances in which a fideicommissum which results from a prohibition against alienation outside the family would be a *fideicommissum multiplex*, having in 3.5.10-14 and especially in 3.5.10 and 14 pointed out that in the absence of sufficiently clear language to indicate that the fideicommissum should be binding on more than one grade of fiduciaries the fideicommissum would be a *fideicommissum unicum*, binding only on the first fiduciary.<sup>70</sup>

In 3.5.16-18 Sande goes on to mention another illustration of the disfavour with which the law regards the continuance of fideicommissary burdens,<sup>71</sup>

66. 3.5.7 (Webber's Translation, p. 214), 3.5.15 (Webber, p. 218) and 3.6.2 and 3 (Webber, p. 225).

67. See T. Nadaraja, *op. cit.*, p. 17.

68. See T. Nadaraja, *op. cit.*, pp. 17-18 and pp. 58-9 and nn. 90-93 at p. 82.

69. 53 N.L.R. at p. 226.

70. cf. T. Nadaraja, *op. cit.*, pp. 102-3 and notes at pp. 116-117.

71. See T. Nadaraja, *op. cit.*, pp. 105-6 and nn. 66-69 at pp. 126-127.



and in 3.5.19-21 Sande points out that where the language used is very clear a fideicommissum may even be perpetual.<sup>72</sup> It is submitted with the greatest respect that it is misleading to cite Sande 3.5.15 without first citing 3.5.8-14 which immediately precede it (especially since 3.5.15 is cited just after 3.5.7 which, as we have seen, deals with a quite different point); and that the passages cited from Sande are no authority for the proposition that the phrase a *fideicommissum in favorem familiae* did not cover a *fideicommissum unicum*, this proposition being contradicted by Sande 3.5.8-14 which are *not* cited in the judgment.

Having in Part 3, Chapter 5 of his treatise considered the difference between a fideicommissum which is 'simple or absolute' and one which is conditional on breach of the wishes of the creator of the fideicommissum, and having considered when a fideicommissum which arises from a prohibition against alienation out of a family is *unicum* and when it is *multiplex*, Sande goes on in Chapter 6 to consider a *quite different* topic—namely, what persons fall within the meaning of the word 'family'. Sections 2 and 3 of Chapter 6 are cited by Basnayake, J. in the first two sentences of the last paragraph of page 226 of his judgment, the last sentence of the page being Basnayake, J's own opinion. The subject-matter of Chapter 6 of Sande has important bearings on such questions as who are entitled to claim property which has been left subject to a prohibition on alienation out of a family when the prohibition has been broken, to whom a fiduciary who has been given expressly or impliedly a power of appointing the fideicommissaries may leave the property, and who are entitled to succeed where the fideicommissaries have been indicated not individually by name but by the collective description of 'family'.<sup>73</sup> But it is submitted with respect that what Sande says in 3.6.2 and 3 is irrelevant to the question whether the phrase *fideicommissum in favorem familiae* does or does not cover a *fideicommissum unicum*.

It will be seen, therefore, that Basnayake, J. has in his judgment<sup>74</sup> lumped together four passages from Sande—3.5.7, 3.5.15 and 3.6.2 and 3—without distinguishing the context in which they are used. Since these passages do not all deal with the same point and not all of them are relevant to the point for which they are cited as authority, it is not surprising that the conclusion at which Basnayake, J. arrived cannot be supported. The last sentence of page 226 of the report<sup>74</sup>—'in the case of a fideicommissum in favour of a family, the donor or testator must use the expression "family" or words to that effect in order to indicate his clear intention to benefit his family'—is not (as the printer

72. See T. Nadaraja, *op. cit.*, pp. 132-3.

73. On these questions see generally T. Nadaraja, *op. cit.*, pp. 55-59 and notes, especially note 55 at page 72.

74. 53 N.L.R. at p. 226.



has made it appear) a statement by Sande but a statement by Basnayake, J. which, it is submitted, is not supported by any authority in the old texts or in the modern Ceylon or South African decisions in which the principle in Perezius ad Code 8.55.12 was applied—for in none of these cases was the word ‘family’ used by the instrument creating the fideicommissum. It is respectfully submitted that the learned judge’s final conclusion<sup>75</sup> that deed P1B did not create a *fideicommissum in favorem familiae* because the fideicommissum created by the deed is *unicum* (binding only on the first takers of the property) and not *multiplex* (binding on successive takers of the property) is not supported by any of the authorities, ancient or modern.<sup>76</sup>

To sum up our submissions with regard to the meaning of the phrase *fideicommissum in favorem familiae*, it is clear that the phrase covers not only a *fideicommissum multiplex* which is binding on a successive series of fiduciaries but covers also a *fideicommissum unicum* which is binding only on the first takers of the property. See Voet, *Commentaries* 36.1.28; Sande, *De Prohibita Rerum Alienatione* 3.5.8.10 and 14; *Sopinona v. Abeywardene*<sup>59</sup>; *Wijetunge v. Rossie*<sup>60</sup>; R. W. Lee, *An Introduction to Roman-Dutch Law*, 4th edition, p. 378, note 4 *ad fin.*; and T. Nadaraja, *The Roman-Dutch Law of Fideicommissa as applied in Ceylon and South Africa*, page 102. Certainly, as is pointed out in *Ex. p. Orchison*,<sup>77</sup> the principle in Perezius ad Code 8.55.12 has been applied in several South African cases in which the fideicommissum was not a *fideicommissum multiplex* but merely a *fideicommissum unicum*, and the same is true of several Ceylon cases: see, for example, *Soysa v. Mohideen*,<sup>22</sup> *Abeyesinghe v. Perera*<sup>23</sup>, *Ayamperumal v. Meeyan*,<sup>24</sup> *Wijetunge v. Rossie*,<sup>26</sup> *Vallipuram v. Gasperson*<sup>28</sup>, in some of which there was *alternative* substitution for the fideicommissaries specified in the first instance but in none of which was there *successive* substitution.<sup>78</sup>

Thus, with regard to the first of the four contentions made by the appellant’s counsel in the Supreme Court—that the fideicommissaries did not acquire any rights under deed P1B because there was no acceptance of the

75. 53 N.L.R. at pages 226 and 227.

76. except by *Carolus v. Alwis* (1944) 45 N.L.R. 156, which, it is hoped, has been sufficiently criticised above at pp. 6-7.

77. 1951 (3) S.A.L.R. at p. 555.

78. A disposition in which the creator of the fideicommissum has appointed alternative or *direct* substitutes to the fideicommissary first designated by him (e.g., ‘to A for life under the bond of fideicommissum and on his death to B or, if B dies before A, to C’) must be distinguished from a disposition in which there has been successive or *fideicommissary* substitution to the fideicommissary first indicated (e.g., ‘to A for life under the bond of fideicommissum and on his death to B for life and on B’s death (after A) to C’). In the former case the fideicommissum created remains *unicum*, in the latter it is *multiplex*.



donation by or on behalf of them, we venture to make the following submissions. The first is that deed P1B created a fideicommissum in favour of a family within the meaning of *Perezius ad Code 8.55.12*, and therefore acceptance by the fiduciaries enured to the benefit of the fideicommissaries on the view expressed by *Perezius*, which has been accepted not only in many South African cases but also in several Ceylon decisions which have established a settled course of judicial practice<sup>79</sup> dating from as far back as 1884.<sup>80</sup> The word '*familia*' is wide enough to cover all relatives entitled to succeed on intestacy<sup>81</sup> and it has been held to cover not only descendants<sup>82</sup> but also collaterals.<sup>83</sup> We have already seen<sup>84</sup> that the principle in *Perezius ad Code 8.55.12* will apply where a fideicommissum is in fact in favour of members of a family, even though the instrument creating the fideicommissum does not specifically use the word 'family'.<sup>85</sup>

We have now dealt with the first point raised by counsel for the appellants in the Supreme Court. As regards the second submission made in the Supreme Court by counsel for the appellant—that even if deed P1B created a fideicommissum it had been destroyed by the order of the Court on the application made under the Entail and Settlement Ordinance, that 'Siriniwasa' should be transferred without any express mention of the fideicommissum to which the 'Priory' was subject—Basnayake, J. expressed the view,<sup>86</sup> that if the application to Court under the Ordinance had been made by the proper parties, the omission by Court to order that 'Siriniwasa' should be impressed with the fideicommissum would not have destroyed that fideicommissum. It is respectfully submitted, on the authority of *Abeywardene v. Tyrrell*<sup>87</sup>

79. broken only by *Carolus v. Alwis* (1944), 45 N.L.R. 156, which, it is hoped, has been sufficiently criticised above at pp. 6-7.

80. the date of the *Full Bench* decision in *John Perera v. Lebbe Marikar* 6 S.C.C. 138.

81. See T. Nadaraja, *op cit.*, ch. 4, n. 91 at p. 82.

82. See, e.g., *Soysa v. Mohideen* 17 N.L.R. at pp. 283-4.

83. *Ayamperumal v. Meeyan* 4 C.W.R. at p. 185.

84. See p. 13 above.

85. Even if the fideicommissaries did *not* acquire any rights under deed P1B, they have for a long time been treated as having acquired rights: e.g., in several applications to Court by the donors to which the fiduciaries were parties (including two reported cases *Abeywardene v. Tyrrell* 39 N.L.R. 505 and *Perera v. de Fonseka* 51 N.L.R. 97), and in various family arrangements. In such circumstances, might there not come into operation the principle that 'where an instrument has been construed by parties interested as having created . . . a fideicommissum, and this construction has been acted upon . . . for a long period, it will not ordinarily be disturbed'. (T. Nadaraja, *op. cit.*, n. 17 at p. 38 and the authorities there cited)?

86. 53 N.L.R. at p. 228.

87. 39 N.L.R. 505.



(which was followed in *Perera v. de Fonseka*<sup>88</sup>), that this view is correct. We can, therefore, go on to consider the third submission made in the Supreme Court by counsel for the appellant—that the application under the Entail and Settlement Ordinance had not been made by the proper parties and the order made on that application was consequently null and void.

On this point Basnayake, J. expressed the view that ‘under the’ (Roman-Dutch) ‘common law it is the fiduciary who is qualified to make the application’ (for relief to Court from the burden of fideicommissum) ‘and not any one else’<sup>89</sup>; and he held that in construing the words ‘any person entitled to the possession or to the receipt of the rents and profits of any immovable property’ in section 5 of the Entail and Settlement Ordinance, the common law must be followed, even though he admitted<sup>90</sup> that the words of section 5 would *prima facie* cover a donor who had reserved to himself a life-interest and the enjoyment of the rents and profits of the property donated.

It is, of course, quite correct to say that under the Roman-Dutch common law the fiduciary is qualified to make the application for relief. But would it be correct to say that in no circumstances whatever could anybody else apply? The reason why most of the Roman-Dutch authorities mention the fiduciary as the applicant is that they treat primarily of testamentary fideicommissa. Thus, throughout the seventy-two sections of Book 36, Title 1 of Voet’s *Commentaries* (which deals with fideicommissa) testamentary fideicommissa are considered, and it is only incidentally that Voet mentions in one section<sup>91</sup> that fideicommissa may be created not only by will but also by act *inter vivos*. In the case of testamentary fideicommissa, of course, the question of the creator of the fideicommissum changing his mind after the fiduciary and fideicommissary have acquired rights cannot arise, for the testator is at that time *a fortiori* dead.<sup>92</sup> But in the case of a fideicommissum created by a donor who is still alive, it might well happen that he wishes to make better provision for the fiduciary and fideicommissary donees.

In the case with which we are concerned the donors by deed P1B reserved to themselves a life-interest and the enjoyment of the rents and profits, of the property gifted, thus constituting themselves usufructuaries in respect of it.<sup>93</sup>

88. 51 N.L.R. 97.

89. 53 N.L.R. at p. 227.

90. 53 N.L.R. at p. 228.

91. 36.1.9.

92. *Ex. p. Orlandini* 1931 O.P.D. at p. 142.

93. See T. Nadaraja, *op. cit.*, p. 285 last seven lines to page 281 first four lines and authorities in notes 33 and 34 at p. 291.



Further, the fiduciary donees were the children of the donors and the fideicommissary donees were their grandchildren, so that the donors would presumably have had the interests of the fiduciaries and the fideicommissaries at heart as much as any fiduciary who might apply to Court for relief on the ground that the relief is to the advantage of the fideicommissaries.

In South Africa applications for relief against burdens imposed on property on the ground that the relief is in the interest of those subsequently entitled to the property have been granted, both at common law and under section 1 of the Removal or Modification of Restrictions on Immovable Property Act No. 2 of 1916, on the application of usufructuaries (see, for example, *Ex. p. Jacobs*<sup>94</sup> and compare *Ex. p. Est McDonald*<sup>95</sup>); and it has been judicially stated<sup>96</sup> that in principle the case of a person having an usufructuary life-interest is, so far as applications to Court for relief are concerned, the same as that of a person having a fiduciary life-interest.

Where, therefore, a donor of property subject to fideicommissum, has reserved to himself an usufruct, especially where the fideicommissum is in favour of descendants of the donor in whom he may be presumed to have a personal interest, it would seem that he is qualified (both under the common law and as a 'person entitled to the possession or to the receipt of the rents and profits of any immovable property . . . subject to . . . fideicommissum' under section 5 of the Entail and Settlement Ordinance) to apply to Court for an exchange of the property for other property.

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94. 1927 O.P.D. 205—applicant was the husband of a second usufructuary whose usufruct was to take effect only after the determination of the interest of a prior usufructuary with whose consent the applicant and his wife were in possession.

It is true that in *Ex. p. Jacobs* 1936 O.P.D. 31 a second application by the same applicant was refused, but this was because *on the facts* the application was considered not to be in the interest of the remaindermen, the minor children (see 1936 O.P.D. at pp. 35-6). The statement in 1936 O.P.D. at p. 34, lines 1-3—'the cases relied on by the applicant to justify the relief sought have all been cases which have afforded relief to fiduciary parents'—must be taken subject to certain qualifications. *Ex. p. Koen* 1930 O.P.D. 154—in which at p. 155 de Villers, J.P., said 'However, this Court (and I think other South African Courts) has allowed a fiduciary or other life-tenant to mortgage the fiduciary property in certain circumstances'—was cited without disapproval, and in that case it seems to have been considered immaterial whether the disposition created a usufruct or a fideicommissum. Further, not all the South African cases cited on this page were before the Court in *Ex. p. Jacobs* 1936 O.P.D. 31.

95. 1945 N.P.D. 348—application by trustees during the lifetime of an usufructuary beneficiary.

96. See, e.g., *Ex. p. Du Plessis* 1926 C.P.D. at pp. 348-9 and *In re Est Scholtz* 1937 C.P.D. at pp. 146-7.



It is submitted, therefore, that it is immaterial whether the ' person entitled to the possession or to the receipt of the rents and profits ' of the property who applies to the Court for relief under the Ordinance is an usufructuary life-tenant or a fiduciary life-tenant (especially as Basnayake, J. himself admits<sup>97</sup> that the words of section 5 *prima facie* cover both types of life-tenant) ; and that in either case, and whether the application for relief is under the common law or under the Ordinance, the Court has to consider only whether the applicant has shown that the relief which he seeks is in the interest of the persons subsequently entitled to the property. It is significant that in *Abeywardene v. Tyrrell*<sup>87</sup> and in *Perera v. de Fonseka*<sup>88</sup> no objection was taken to the validity of applications made by the same donors as in *West v. Abeyawardena*.<sup>1</sup>

The fourth submission made in the Supreme Court by counsel for the appellant was that the respondent's father, who had gifted the property to the respondent, was a *bona fide* purchaser for value without notice of the fideicommissum, and that therefore the respondent took the property free of the rights of the fideicommissaries. The Supreme Court did not come to any decision on this point. It is submitted that even if the respondent's father was a *bona fide* purchaser for value, the rights of the fideicommissaries should prevail, because the Privy Council in *Sitti Kadija v. de Saram*<sup>98</sup> has affirmed the principle that although ' in the trust, the interest of the beneficiary . . . is paralysed and ineffectual ' against ' the *bona fide* alienee of the legal estate ; in the fideicommissum the fideicommissary, once his interest has vested, has a right which . . . the fiduciary cannot destroy '.<sup>99</sup>

South African law may have gone somewhat far in the direction of recognising the preferential claims of the *bona fide* purchaser for value even in the sphere of fideicommissa.<sup>100</sup> But Ceylon law has remained more faithful to the Roman-Dutch view that the rights of the fideicommissary cannot be destroyed by the act of the fiduciary. It is true that Professor Lee in his *An Introduction*

97. 53 N.L.R. at p. 228.

98. 47 N.L.R. at p. 175, quoting Lee, *An Introduction to Roman-Dutch Law*, 3rd edition, p. 372.

99. With reference to the very exceptional case mentioned by Voet in *Commentaries* 36.1.63 and by Sande *De Prohib. Rev. Alien.* 3.7.10 in which the fideicommissary's rights were defeated, it is necessary to point out that Lascelles, A.C.J. (or perhaps the printer) has made a slip in the passage in *Casim v. Dingihamy* 9 N.L.R. at p. 264 which is cited in T. Nadaraja, *op. cit.*, n. 94 at p. 176 : the words ' by a codicil to be opened after his death ' should read ' by a codicil to be opened after the wife's death '. Both Voet and Sande emphasise that the purchaser as well as the fiduciary seller were ignorant of the existence of the fideicommissum.

100. See Lee, *An Introduction to Roman-Dutch Law*, 4th edition, p. 435.



to *Roman-Dutch Law* says<sup>101</sup> that in the modern law 'a purchaser without notice who has obtained registered transfer' seems to be preferred to the fideicommissary; but in this statement the emphasis is on 'registered transfer'. An examination of *de Silva v. Wagapadigedera*<sup>102</sup> and *Kusmawathi v. Weerasinghe*<sup>103</sup> which Professor Lee cites as illustrations from Ceylon of the modern tendency to prefer the *bona fide* purchaser to the fideicommissary shows that both decisions really depend, not on any introduction of doctrines of the English law of trusts into the sphere of the Ceylon law of fideicommissa, but on the effect of certain Ceylon statutes regulating the law of registration and of partition.<sup>104</sup>

Where no statute comes into operation (as in the case of *West v. Abeyawardena*<sup>1</sup> in which the partition by the fiduciaries was by private agreement and not under the Partition Ordinance<sup>105</sup>), the fideicommissary's rights to the property cannot be destroyed by any act of the fiduciary. With regard to the point that the *bona fide* purchaser is not preferred to the fideicommissaries in the Roman-Dutch law as applied in Ceylon, it is sufficient to refer to *Sitti Kadija v. de Saram*,<sup>106</sup> *Gunatilleke v. Fernando*<sup>107</sup> and *Tillekeratne v. de Silva*.<sup>108</sup>

In conclusion, we may summarise as follows the submissions made in this article with regard to each of the four points<sup>109</sup> raised in the Supreme Court by counsel for the appellant in *West v. Abeyawardena*<sup>1</sup> :—

1. acceptance of deed PIB by the fiduciaries enured to the benefit of the fideicommissaries (even without express acceptance by the latter) because the fideicommissum created by the deed was a fideicommissum in favour of a family within the meaning of the principle in *Perezius ad Code 8.55.12*<sup>110</sup>;

2. the fideicommissum created by deed PIB was not destroyed by the omission of the Court, in its order on the application made under the Entail

101. 4th edn., p. 383.

102. 30 N.L.R. 317.

103. 33 N.L.R. 265.

104. See T. Nadaraja, *op. cit.*, ch. 8, p. 146 last paragraph (in the last sentence of which the emphasis on 'registered transfer' must again be noticed); ch. 8, n. 95 at p. 176 and n. 96 at pp. 176-180, especially p. 178 last paragraph; and pp. 181-187, dealing with the effect of section 9 of the Ceylon Partition Ordinance.

105. cf. T. Nadaraja, *op. cit.*, ch. 8, n. 22 at pp. 149-150.

106. 47 N.L.R. at p. 175, per Lord Thankerton.

107. 22 N.L.R. at p. 392, per Lord Phillimore.

108. 49 N.L.R. at p. 30, per Soertsz, S.P.J.

109. See p. 3 above.

110. See pp. 3-14 above.



and Settlement Ordinance, expressly to direct that the fideicommissum should be impressed on ' Siriniwasa ' <sup>111</sup> ;

3. the donors were qualified to make the application to Court under the Entail and Settlement Ordinance and the order of the Court on that application was consequently valid <sup>112</sup> ;

4. the rights of the fideicommissaries should prevail even as against a *bona fide* purchaser for value of the property. <sup>113</sup>

T. NADARAJA

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<sup>111</sup>. See pp. 14-15 above.

<sup>112</sup>. See pp. 15-17 above.

<sup>113</sup>. See pp. 17-18 above.



# *The Population of Ceylon—A Survey of Certain Aspects*

**C**EYLON, at the Census of 1946 had a total population of 6,657,339. This number was distributed among the nine provinces of the island as follows. (Table 1).

The table readily shows the very uneven distribution of the population between the provinces, and this unevenness in the distribution is shown with greater clarity and with more suggestive results on a map drawn on the dot method. (Map 1).

The pattern of distribution as shown on this map makes possible a few reliable generalizations. In the first instance, there is a fairly dense and even spread of the population in the south-western sector of the island. Secondly, in the central part of the island, the distribution is far more patchy in spite of the fairly high numbers of the population. And finally, there is a very sparse and uneven spread of the population over the remainder of the island, with but a few exceptions in specific coastal strips and in the northernmost parts of the island. This basic pattern of the distribution, shows a high degree of correlation with the three fundamental environmental zones of the island and can best be further analysed in relation to these zones. The region with a sparse and uneven distribution covers the Dry Zone Lowlands of the island, the region with a dense and even distribution extends over the Wet Zone Lowlands, and the region with a patchy distribution covers the Central Highlands.

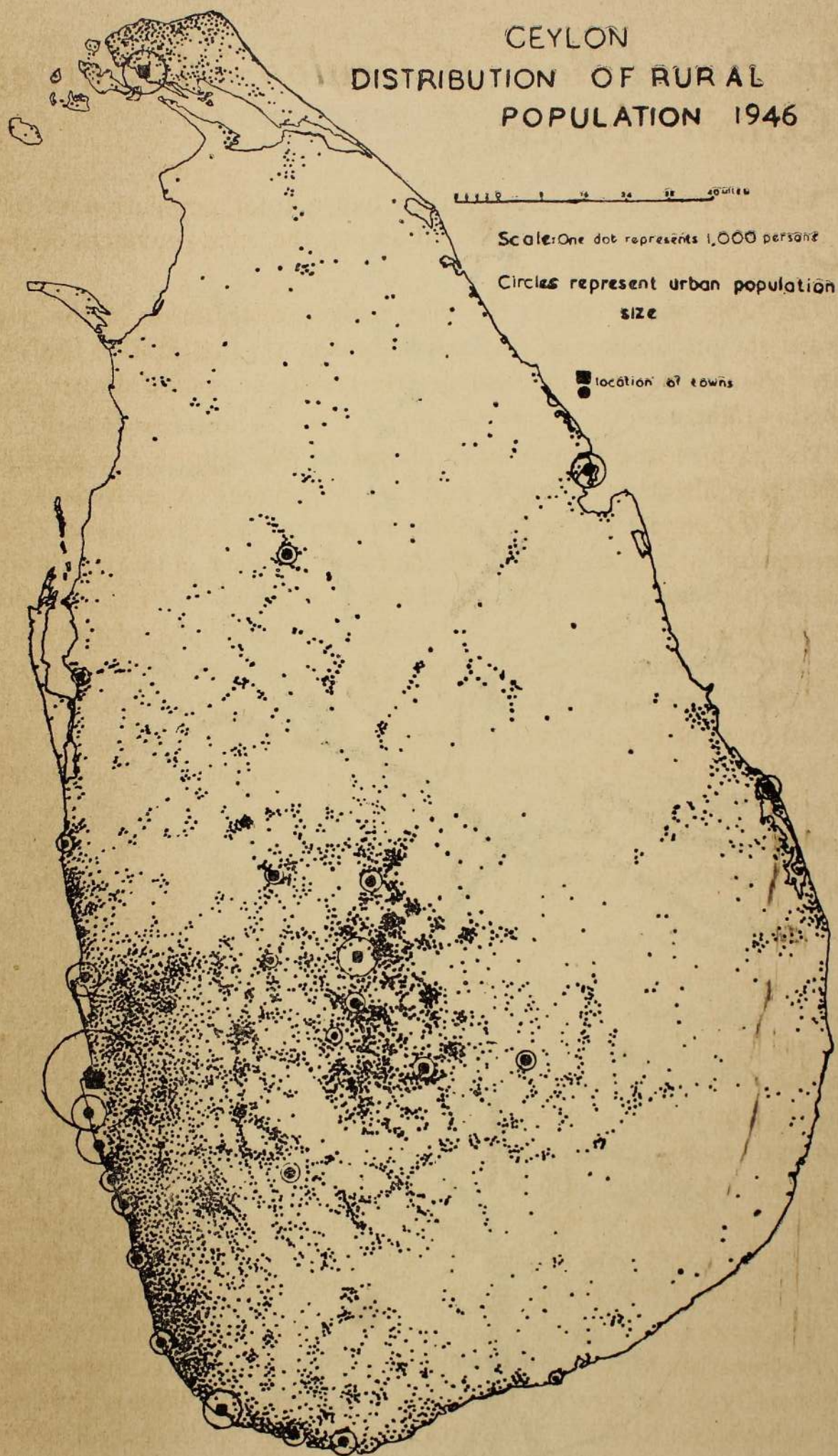
## **The Dry Zone Lowlands**

As suggested by its name, this zone is one that experiences a season of drought every year. It has a distinct seasonal distribution of rainfall. The principal rainfall maximum occurs within the period of the North-East Monsoon during the months October-January, and there is invariably a period of drought prior to the occurrence of the rainfall maximum. Generally, this area is shown on maps, though not very correctly, as corresponding to a zone which has an annual rainfall of less than 75 inches (Map 2). The Dry Zone Lowlands covers an area which is larger than the other environmental zones of the island, and its very size, apart from other considerations which will be treated later, gives the Dry Zone a prominent place in a study of population and space.

Apart from its climatic characteristics, the zone is characterized by the fact that nearly all its area is of flat or gently undulating topography. Soils are generally of the lateritic loamy type and true alluvium is confined to the river valleys and deltas. The natural vegetation can in general be classed as



# CEYLON DISTRIBUTION OF RURAL POPULATION 1946

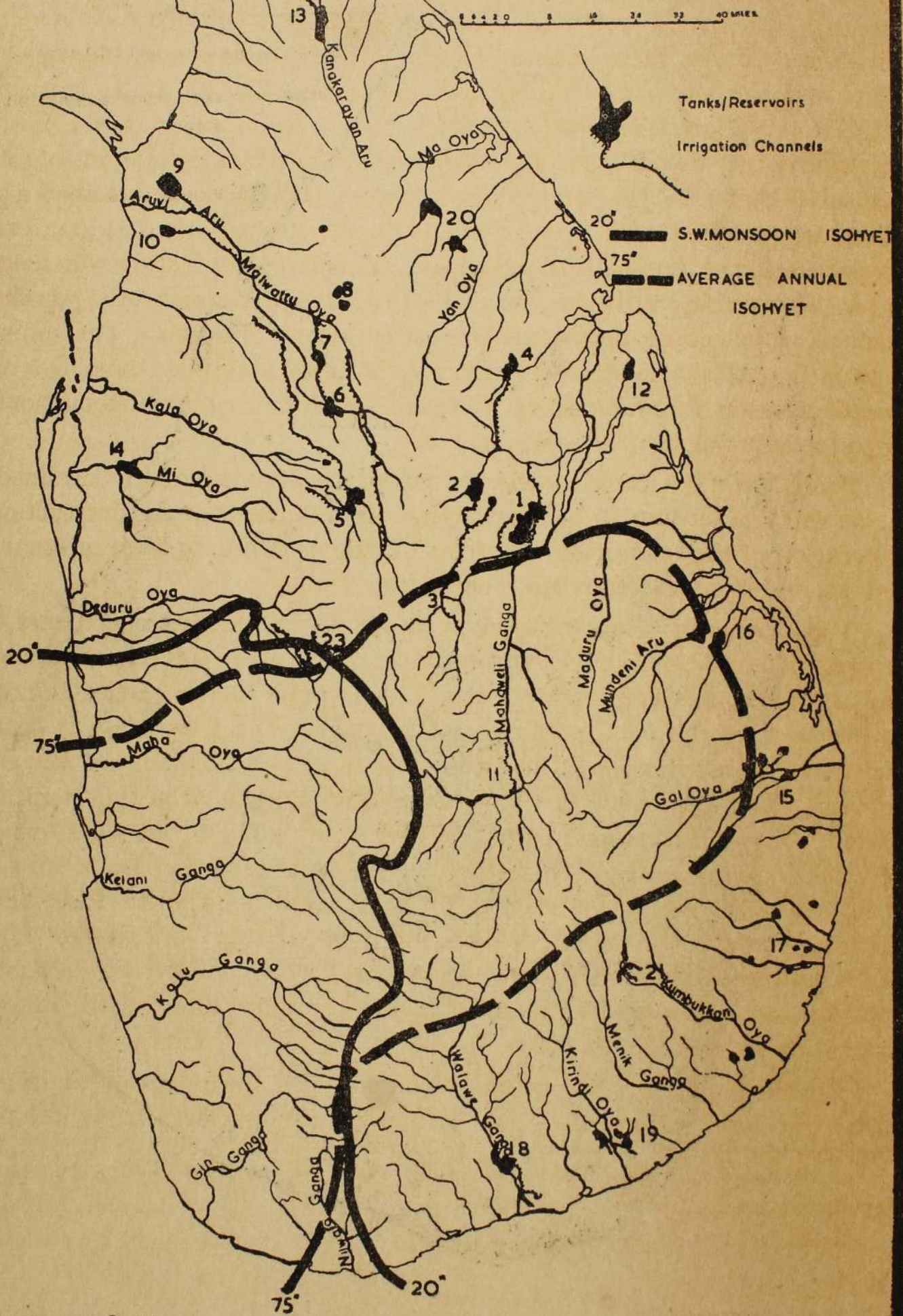


Drawn by Edmund V. Christian

Map I—Distribution of Rural Population.



# CEYLON HYDROGRAPHY AND IRRIGATION- COLONIZATION SCHEMES



Drawn by Edmund V. Christian

Map II—Hydrography and Irrigation—Colonization Schemes.



## THE POPULATION OF CEYLON

semi deciduous tropical forest, which degenerates into dry scrub or poor grass-land either with a decrease in the rainfall or with the ingress of a cultural landscape.

Historically the Dry Zone was by far the most important region in the island. The sites of initial settlement in Ceylon have been traced to the alluvial bottoms and deltas of three important rivers in the Dry Zone—the Malvattu Oya in the north-east, the Menik Ganga and Kirindi Oya in the south-east. From these coastal locations the population gradually spread inland and became centred principally in the region which today corresponds to the North-Central Province of Ceylon. Here up to about the beginning of the 13th century flourished in the Dry Zone the ancient civilizations of Ceylon. Sponsored by feudal yet benevolent dynasties, the Dry Zone attained a population estimated at well over 10,000,000<sup>1</sup>—which is nearly 1/3 greater than the population of the whole island today. This large population was sustained and made possible by the building of large-scale irrigation works—tanks and channels which offset the occurrence of periods of drought. The important point is that this development made provision for and made possible a double cropping season, in a natural environment which under normal conditions provided for only one crop season of cereals.

From the 13th century onwards the Dry Zone gradually declined as a region suitable for human habitation, mainly as a result of the destruction and desiccation of the magnificent systems of irrigation due to both internal strife and a series of invasions by the Tamils from India.<sup>2</sup>

Today, the Dry Zone presents a rather dismal picture in contrast to the prosperous conditions of years gone by. Large areas have been abandoned and the forest has come back into its own. The region carries today only 13 per cent. of the total population of Ceylon. The population is scattered and sparsely distributed. The areas of close rural settlement are few and far between. The principal type of agglomerated settlement is the 'tank settlement'. These centre round the few irrigation works which were left intact or which have recently been restored. Clustered settlements are also found along the coast where the population is engaged in fishing. Elsewhere the pattern of rural settlement is of the 'disseminated type'—scattered dwellings and a patchy distribution of cultivated land which follow the dictates of a dry farming economy, locally called 'chena' cultivation, based on shifting agriculture in the forested lands.

The one region in the Dry Zone which provides the exception to the general pattern of rural settlement is the Jaffna Peninsula. Here the rural pattern

1. For this and other estimates see *Census of Ceylon*, 1901, Vol. I, p. 23; *Census Report*, 1911, p. 9; *Census of Ceylon*, 1921, Vol. I, p. 3.

2. *Census of Ceylon*, 1901, Vol. I, p. 10.



consists of dense and agglomerated villages which is the result of an intensive use of the land under adverse conditions. Here the population which is mainly Tamil, linked by strong cultural ties, have exhibited a high degree of tenacity and endurance. Water is life in the Dry Zone and rural settlement is rigidly governed by the availability of this commodity.

Urban or sub-urban settlement is restricted to the few centres of historical importance, to the transport nodes resulting from the progressive construction of road and rail communications, and to the few harbours, e.g. Anuradhapura, Jaffna, Mannar and Batticaloa. (Map 3).

### The Wet Zone Lowlands

In contrast to the Dry Zone the Wet Zone is an area of adequate water supply, the rainfall is evenly distributed but with a distinct maximum which occurs during the months May to August. The Wet Zone Lowlands extend roughly over the south-western sector of the island. Much of this region consists of broad alluvial valleys and deltas, alternating frequently with tracts of undulating country and merging gradually, with a series of ridges parallel to the coast and interspersed with broad valleys, towards the centre of the island. This region has the greater part of the well-watered alluvial lowlands of the island, but strangely enough did not begin to support the bulk of the island's population till well after the close of the 13th century.<sup>3</sup> The south-western sector was perhaps avoided by the early settlers on account of the surfeit of water. The perennial rain and the resultant lack of a dry season does set a limit to the reliable harvesting of cereal crops. Furthermore, the natural vegetation—which today remains only in a few secluded and inaccessible areas, was one of thick and rank equatorial forest, which by itself must have been a positive hindrance to the early agriculturist.

The systematic peopling of the Wet Zone Lowlands began with the advent of Western Peoples to the shores of Ceylon—the Portuguese were the first to settle in this part of the island, and they were followed by the Dutch and finally the British, who established their rule over all of Ceylon by 1815. These events brought to the island a greater volume of foreign and overseas commerce than was hitherto known. The existing form of indigenous subsistence agriculture gave way to a money economy with the establishment of plantation agriculture, based initially on the cultivation of cinnamon and other spices. A network of roads and railways radiating from Colombo was rapidly developed. Colombo became a port and city of international fame and the Wet Zone the centre of the population of Ceylon at the gradual expense of the Dry Zone—in reality the hinterland of Colombo is truly all of the island.

3. S. F. de Silva—*A New Geography of Ceylon*, page 111.



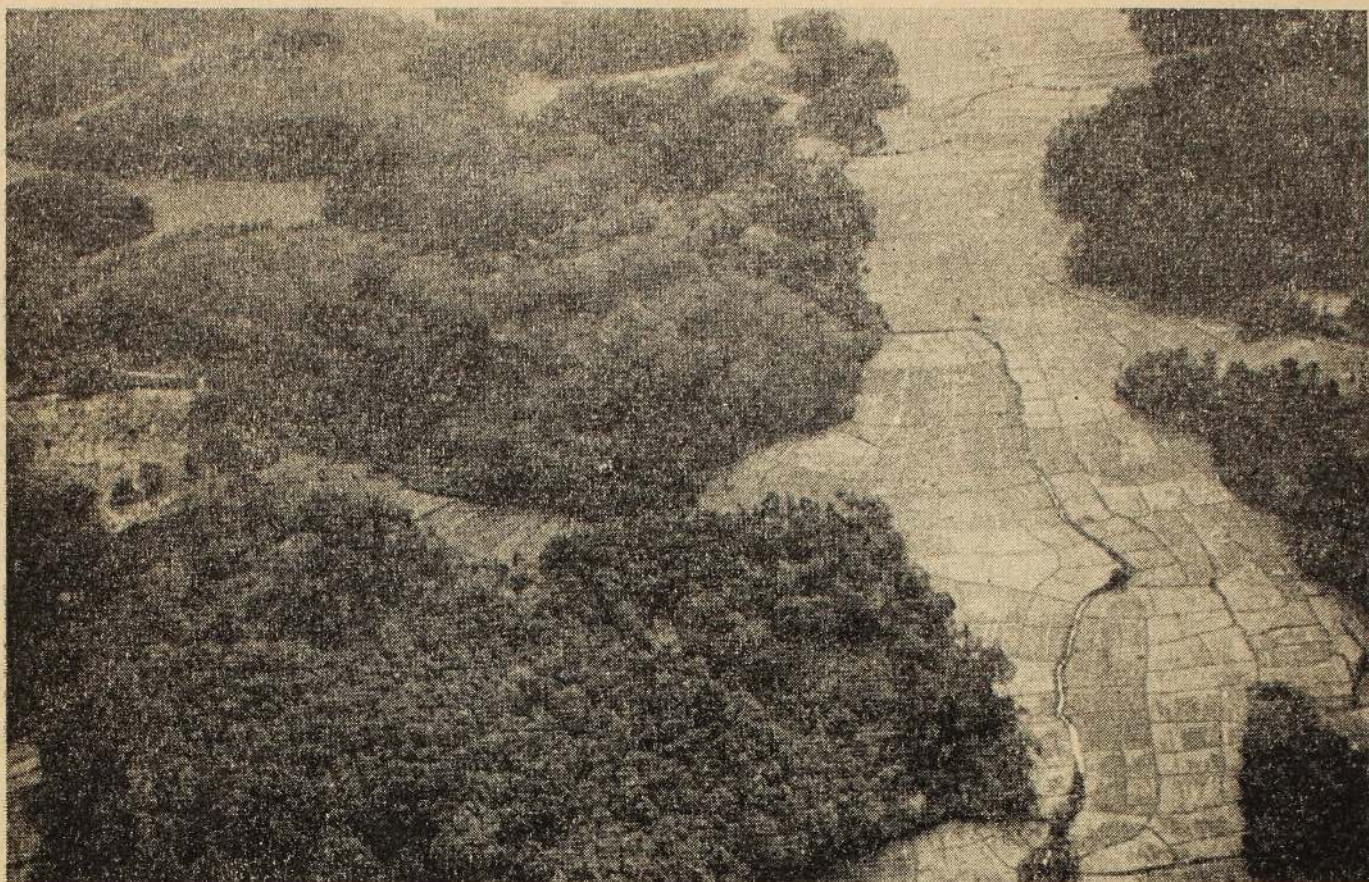


Photo 1.—The Wet Zone Lowlands—undulating country with wide tracts of alluvial land. Agglomerated settlement under coconut palms in centre. Rubber on higher ground and rice fields occupy the alluvial flats.



Photo 2.—Dry Point Settlements in the extensive alluvial flats. Character varies from the single settlement in centre to the larger settlement area in top right.



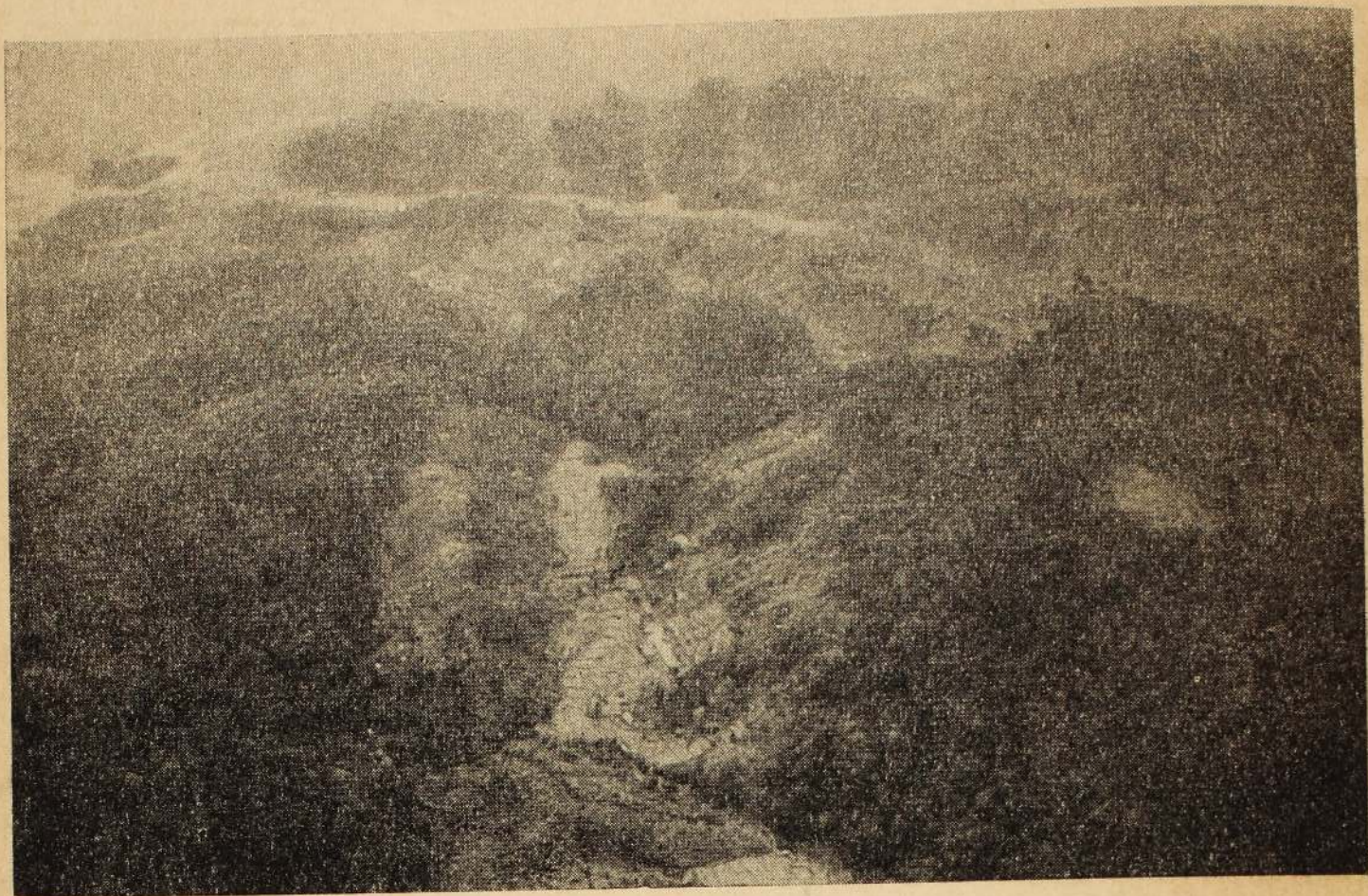


Photo 3. --The rugged terrain of the Central Highlands. Forested crest lines and patchy distribution of cultivable land. The agglomerated settlement occupies the valley floor with dwellings on the margins of the terraced rice fields.

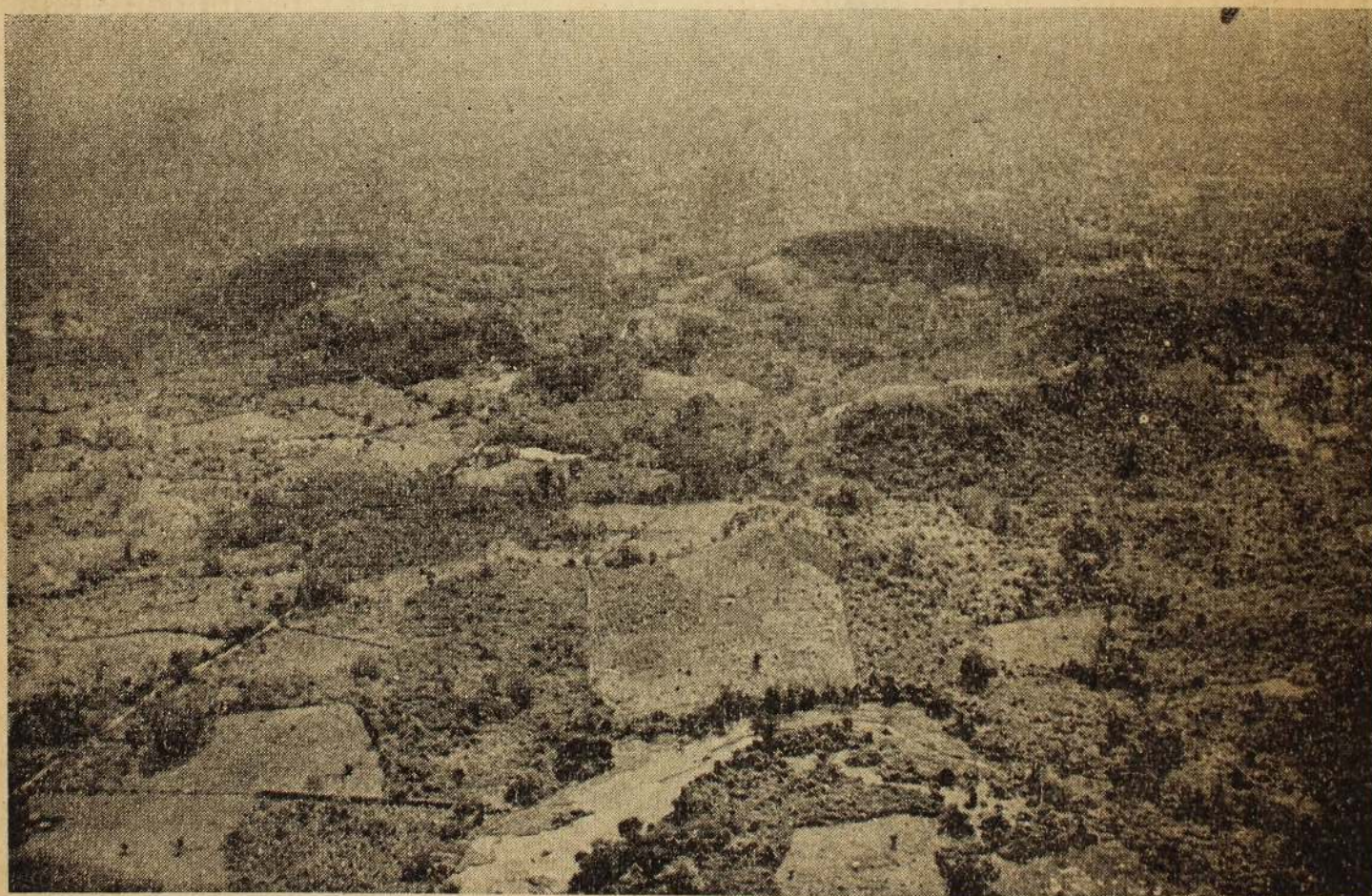


Photo 4.—Scattered settlement on upland tracts. A single dwelling to each unit of cultivated land.



## THE POPULATION OF CEYLON

Today the Wet Zone Lowlands harbour 60 per cent. of the population of the island. The natural landscape has given way almost completely to a cultural one. The population is in the main either concentrated in nuclear urban groups around the commercial centres and transport nodes, e.g. Colombo, Galle, Ratnapura (Map 3), or compacted into nucleated rural groups around the margins of the extensive alluvial lowlands or on the rubber plantations (Photo 1). Other types of settlement of interest are the compact but isolated fishing settlements on the coast, the linear type of settlement which is due to the ribbon-like settlement on the margins of roads and the unique 'dry point' settlement in areas subject to periodic inundation. (Photo 2).

### The Central Highlands

This zone has a character all its own. It is a region of complex relief, in which fairly level basins alternate with flat-topped plateaus and rugged, mountain ranges. The rainfall varies considerably with aspect and location. Generally the Western slopes have a higher rainfall which in some instances is as high as 200 inches. The Northern and Eastern sectors are generally drier and the shortage of rainfall is felt most keenly in the enclosed basins and valleys—in certain areas of this sector the rainfall regime is quite like that of the Dry Zone. Lower temperatures, due to altitude is a compensating factor, but did not materially affect the settlement of the Highlands till the advent of coffee, cocoa and tea plantations. Soils are generally very poor and immature and the parent rock, mainly granite, is nearly always very close to the surface. Terrain and soils therefore place rigid limits on the land available for cultivation. Good arable land is extremely limited, and close settlement is therefore confined to the better and more contiguous alluvial tracts along the wider river valleys.

The Highlands were to the early settlers the least accessible zone in the island—the rugged and forested mountains forming an effective barrier to settlement. Just prior to the conquest of the island by the British in 1815, the region proved the last retreat of the Sinhalese—the domain of the Kings of Kandy. With the conquest of the island the Highlands were gradually mastered. Roads and railways pushed into the rugged country to turn it into a land of coffee and tea plantations. Today the Central Highlands supports about 27 per cent. of the island's population. The distribution is fairly dense in the better developed sections, especially in the centre and west of the massif, but the spread is quite uneven. The clustered 'agglomerated' rural settlement is typical of the alluvial valley bottoms (Photo 3), while on the upland tracts the scattered and desseminated pattern of settlement is the rule (Photo 4). One unique type of rural settlement is of interest. In certain parts of the Highlands, the 'crest-line' village has developed as a result of the expansion of tea plantations up the lower and middle slopes of the mountains.



The agglomerated but patchy distribution of the population has been enhanced by the development of plantation agriculture, which has resulted in the establishment of compact but isolated centres of settlement. Urban development in the region is restricted to the more important transport centres—the pattern being set by relief and hydrography in the main, e.g. Kandy, Hatton, Haputale (Map 3). A more recent development is the growth of health resorts in the more salubrious areas of the Highlands, e.g. Diyatalawa, Nuwara Eliya and Bandarawela (Map 3).

With this general picture of the distribution of population in mind, a study of the figures related to population density, throws further light on some of the more significant aspects and important problems relating to the population of the island.

## The Maldistribution of Population

The average density for Ceylon in 1946 was 263. This density though high, is not however as excessive as the densities for some of the more populous countries of South and South-East Asia. The average density however does not portray the full story. It fails to bring out the contrasts in densities between the provinces and more particularly the contrasts in densities within each of the provinces. For example, the Western Province has a density of 1,310 but the Colombo district in the Western Province a density of 1,758. The Northern Province has a density of 140 but the Jaffna district a density of 425, and the Eastern Province has a density of 73 but the Batticaloa district a density of 173. The essential problem in the island therefore is not one of too many people for the island as a whole, but of too many people in the south-western lowlands and too many people in selected parts of the provinces, e.g., Jaffna district and Batticaloa district. The answer to the problem apparently lies in getting a redistribution of the people.

## The Redistribution of Population

In a country where there is adequate space for redistribution, the problem resolves itself partly into one which necessitates the rehabilitation of the area available for future settlement, with a view to sustaining at a fair standard of living the population that has been redistributed.

In Ceylon the road is wide open for such an endeavour—there are open spaces to be filled in and there is scope, especially in the field of agriculture for an appreciable increase in productivity to sustain the people.

Ceylon is primarily and will be for a long period of time, an agricultural country. But our system of agriculture suffers from two very radical defects. The first of these is undoubtedly the ill-balanced nature of the agricultural economy. A large proportion of the cultivated land in the island is under

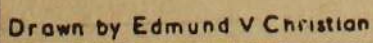




Map III—Distribution of Urban Population.



(Ratio of crop acreage to cultivated land)



Map IV—Crop Distributional Index.



## THE POPULATION OF CEYLON

plantation crops like tea, rubber and coconut, and this percentage is greatest in the Central Province, Western Province, North-Western Province and Sabaragamuwa Province. (Map 4). This overdependence on an export economy in the field of agriculture has resulted in a serious lowering of the level of subsistence in the island and has led to an undue and overburdening dependence on foreign sources for basic food supplies. The second defect is that the region best suited for agriculture, especially for the cultivation of rice, is the one which today shows the least signs of development and which carries only a small part of the island's population. A policy of redistribution of the population, would thus necessarily have to take in the question of agriculture.

### Population and Agriculture

So long as man depends primarily on agriculture for his essentials of life, as is the case in Ceylon, there cannot be more people in a given region than the agricultural productivity of that region can support. The present state of agriculture in Ceylon is so ill-balanced and under-developed that even its relatively small population is not fully supported with regard to basic food requirements. The island produces only 32 per cent. of its requirements of rice, and the following statistics indicate the extent of Ceylon's dependence on two basic commodities, rice and wheat.

<i>Import of—</i>	1948	1949	1950
Rice (tons)	409,399	396,786	490,397
Wheat (tons)	168,680	157,419	165,744

The bulk of these imports, paradoxically however, goes to serve the population of the provinces of Ceylon which have the highest percentage of cultivated land per total area of the province.

A glance at the statistics, shows that the Western Province, North-Western Province, Central Province, Southern Province and Sabaragamuwa Province have by far the largest share of the total cultivated area of the island and also the highest percentage of cultivated land in relation to the total area of each province. (Table 2).

This only goes to prove the fact that the degree of self-sufficiency is lowest in the areas that have the highest percentage of the island's cultivated land. This anomaly can be directly attributed to the ill-balanced structure of agriculture in the island. These provinces have the bulk of the island's plantations of tea, rubber and coconut, which are large-scale holdings, owned by large companies or magnates. The bulk of the population are therefore wage-earners on estates rather than tillers of the soil or in the alternative are wage-earners in the towns and cities of this South-Western and South-Central sector of the island—which is the region of plantation agriculture and the commercial



hub of Ceylon. The food produced in this zone is therefore insufficient to meet local requirements.

The same facts can be stated from another point of view, by considering the ratio of cultivated land per capita in each of the provinces. (Table 3). It is generally recognized from the statistical point of view, that 2·5 acres of cultivable land is required per capita to provide an individual with food sufficient to keep body and soul together. But amazingly, no province is at the present time able to support its population—this evaluation however is not very correct because it does not consider such factors as double cropping and the existence of an exchange economy. But, from the practical point of view of increasing per capita cultivation, the provinces and regions in Ceylon that have the lowest acreages of cultivated land, e.g. Northern Province, North-Central Province, Eastern Province and Uva, and the lowest numbers of population, seem the ones with the best prospects.

There is then a distinct and almost assured possibility that Ceylon can achieve a certain degree of self-sufficiency in basic food requirements—since there is space for expansion. A correlated study of Tables 2 and 3 would indicate that the possibilities for agricultural expansion in the densely populated areas of today are very limited. On the other hand in the Northern Province, North-Central Province, Eastern and Uva Provinces, where the total acreage under cultivation is small and where the percentage of the cultivated land per total area is proportionately low, prospects of agricultural expansion are distinctly more favourable. These provinces together with adjacent parts of the North-Western Province and the Southern Province compose the Dry Zone of the island.

It is appropriate at this juncture to point out certain discrepancies in Table 3 and in Table 4 which is to follow: The discrepancies are in regard to the provinces of Northern Province and Eastern Province, where the statistics apparently do not support the argument. These arise from the fact that in the Northern Province and Eastern Province there are two districts which have a dense population, namely the Jaffna and Batticaloa districts, and averages with regard to each of these provinces have therefore been distorted completely. The Jaffna district and the Batticaloa district can be included among the areas in Ceylon where the possibilities of cereal agricultural expansion are limited.

The limited nature of the possibilities for agricultural expansion in these areas of dense population does not however mean that the expansion of agriculture or its reorganization cannot take place in these areas. Judging from the ratio of the number of people per unit of cultivable land in these provinces, (Table 4), it seems unlikely that the problem of over-population in the more densely peopled parts of the island will be remedied to any appreciable extent



## THE POPULATION OF CEYLON

by the expansion of agriculture. However, the degree of self-sufficiency can be increased by better farming methods and better systems of crop selection. The area under food crops, in the south-western lowlands and in the western parts of the Highlands can however be somewhat increased by the following two methods. Firstly, the transference of lands under plantation crops to food production and secondly by the reclamation of swamps and lagoons along the south-western littoral of the island.

The first method seems a rather impracticable and short-sighted solution. From the point of view of agricultural technology, the soil on plantations has been impoverished considerably and soil erosion which is a serious problem on tea and rubber plantations can become an absolute menace if the land is cleared of its existing crop cover once more. Furthermore, the mantle of soil cover on plantation lands is thin and very immature—in fact the tea bush survives on the eroded hills of Ceylon simply because it is the 'goat' of the crop world. The more serious objection to the alienation of plantation lands, is that it would seriously jeopardize Ceylon's ability to maintain a favourable balance of trade. The island's export economy depends almost entirely on the production of tea, rubber and coconut in quantity. The policy of alienation has been adopted in the Kandyan districts of the Highlands in an effort to relieve the chronic land hunger of the peasants, up to the present day 9,489 acres have been alienated and 4,083 families re-settled, more as an experiment or perhaps an ill-advised show of generosity. In any event, it seems rather inadvisable to continue with such a policy.

The reclamation of the coastal lands, on the other hand, seems the better move, for it would add fairly large tracts of new land to the areas in which the population is densest. The high capital costs involved in such a venture, might however make large scale operations in this field impracticable. The method, however, can be used quite effectively in local areas especially around the Colombo district where the degree of congestion is greatest.

The expansion of agriculture in the Wet Zone Lowlands or in the Central Highlands, would therefore seem very unlikely to relieve the food situation of the island to any marked degree, nor would it help solve the chronic maldistribution of the population. The expansion of agriculture and the redistribution of people can be effectively undertaken only in those parts of the Dry Zone that are sparsely peopled and wherein there is room for the expansion of agriculture. From the point of view of the agriculturist these lands of plains and gently undulating country, comprise the best agricultural area in Ceylon, especially for the cultivation of rice and other cereals. Yet, it is a region in which under 50 per cent. of the cultivable area has been brought under the plough, and that too very unsystematically. The solution to the problem,



and incidentally the future of Ceylon, then surely lies in the development of the Dry Zone.

The way to success, however, is beset by *four* fundamental tasks, which must be accomplished if the final goal is to be reached. The first task is the creating of a sufficient and assured supply of water for an organized programme of agriculture, which must necessarily include a system of double cropping—for one of the essential purposes in developing the Dry Zone is to create a surplus production of cereals, primarily rice, to feed the population of the less productive and more densely peopled areas of the island.

The second task is the fixing and rehabilitating of the existing village populations in the Dry Zone, by assuring to them, through the construction of irrigation works, the means of a steady livelihood. This is an all-important task, for one of the curses of recent years has been the systematic depopulation of rural Ceylon.

The third task is the reinforcing of the depleted manpower resources of the Dry Zone, by an organized system of colonization. An alternative way out of the problem would be the mechanization of agriculture. But, the use of machines in tropical lands, where the rain is in the nature of heavy and violent storms, is still in an experimental stage, and has many hazards, the chief among which is the danger of soil erosion.

The fourth task is the establishment of adequate marketing facilities for the agriculturist of the Dry Zone. This can only be done by the establishment of better communications and reliable sales organizations, which would give the agriculturist a working remuneration for his efforts in the field. Today the unscrupulous middleman is the bane of the peasant cultivator, and the sooner he is removed from the scene the better it would be.

## The Development of the Dry Zone

The first of these tasks, can only be accomplished with the progressive and sustained development of irrigation works. Irrigation is a fundamental necessity in the Dry Zone for two reasons. Firstly, as a result of the long dry season from March to September—during which even the biggest tanks run dry—there is a lack of water for a second crop season. Secondly, the rain derived during the wet season, the period of the north-east monsoon, is quite unreliable. The variability of the rainfall during this period is high, because much of the rain is dependent on the frequency of tropical cyclones. These drawbacks can be overcome only if adequate measures are taken to conserve as much of the direct rainfall in the Dry Zone as possible, and also if the run off along the rivers flowing through the Dry Zone is regulated and stored. The latter measure is by far the more important of the two, since nearly all the



## THE POPULATION OF CEYLON

rivers that flow through the Dry Zone radiate from the Central Highlands, and have their sources in a zone of very adequate and reliable rainfall. Direct rainfall contributes very little towards the capacity of the rivers in the Dry Zone. Much of the water that will be made available to the Dry Zone is therefore water that is imported from the Wet Zone of the island.

The policy of irrigation undertaken by the Government of Ceylon, had in the past been directed towards the restoration of some of the principal irrigation works of early Ceylon. But, in more recent years, a more ambitious policy has been put under way, with the construction of large-scale irrigation works, relatively independent of the ancient irrigation systems. The best example of this effort is the Gal Oya Project in the Eastern Province, which is now nearing completion. This project, built under contract by an American firm at an estimated cost of Rs. 600 million, is a multipurpose one which makes provision for a storage reservoir of 30 square miles, facilities for the generation of 8,000 k.w. of power, water for the double cropping of 30,000 acres, and for the single cropping of an additional 30,000 acres. A similar project is to be undertaken in the Dry Zone of the Southern Province on the Walawe Ganga, and work on this is expected to commence in 1953.

The gradual improvement in irrigation facilities has seen a steady increase in the acreage under rice cultivation in the Dry Zone. Up to 1938 the total acreage of paddy land under irrigation can be summarized as follows:—

Minor Irrigation Works—170,426 acres.

Major Irrigation Works—370,000 acres.

By 1947 this acreage has been increased to 662,877 acres, and by 1950 a further 34,452 acres had been opened up for cultivation. With the completion of the Gal Oya and Walawe Ganga Projects, there will be a further substantial increase in the production of rice, thereby producing a fairly good surplus in the Dry Zone for use in other parts of the island.

With the development of irrigation as the basic framework a fairly systematic programme of colonization and land alienation has been undertaken in the Dry Zone. Of the number of colonies established, the one at Minneriya based on the Parakrama Samudra irrigation project, is the best example and the one which today has shown the best results. (Refer Map 2 and Table 5).

The achievements in the programme of settlement sponsored by the Government for the period 1947-1951 can be summarized as follows:—

<i>Schemes</i>	<i>Acres</i>	<i>Families settled</i>
Village Expansion	124,499	78,562
Colonization	47,720	5,965
Dry Farming	1,120	80
	<hr/> 182,828	<hr/> 88,690



Together with these developments in Irrigation and Colonization have come roads and better facilities for the marketing of the produce of the Dry Zone. Considerable headway has been made in the construction of main trunk roads as well as minor village roads. The Government Marketing Department and other sales agencies, like the Agricultural Production and Sales Organization, have done much to give the peasant cultivator a fair return for his labour in the field. This favourable trend would well be expected to continue with the further development of the large number of Co-operative Farming and Sales Organizations which are now making good progress.

Despite the steady progress that has been made in the development of the Dry Zone, there are certain drawbacks in this programme that merit close attention. In the first instance the establishment of large single irrigation works on the scale of the Gal Oya and Walawe Projects bring into existence certain problems. The large single reservoir constructed in the middle reaches of a drainage basin, as is the case at Gal Oya may in the long run prove difficult to maintain on account of siltation. The river has its source in the plantation districts of the Highlands, where soil erosion is rampant, and thus the volume of silt carried down to the plains area is immense. The construction of a single reservoir, with nothing above it to slow down the velocity of the river during high water, on a drainage system which has a large catchment area makes the reservoir the sole recipient for all the debris and silt carried down. In addition the capital costs of such a big venture are immense and it would take years before such a single project begins to show results, at a time when immediate results are required.

Furthermore, large-scale works like that of Gal Oya require a redistribution of the existing population within the region, for cultivation and deforestation would have to be curtailed in the upper parts of the basin in order to control soil erosion in an endeavour to avoid subsequent danger of siltation. This would mean that a vast number of rural settlements would have to be abandoned and that a mass concentration of the people, on a more regimented mode of life would have to take place below the reservoir. In short, the fear is expressed that the development of these major projects while accomplishing one purpose—namely the increasing of rice production, may by doing so definitely hamper the equally important programme of fixing and rehabilitating of the already existing population and settlements in the Dry Zone. Further, such developments would result in the abandonment of fair tracts of agricultural land suitable for dry or shifting cultivation on the upper basin, and the decline and breakdown of the rural village communities which have for long been the mainstay of rural Ceylon. From these points of view, it would seem far more suitable to construct a large number of small scale works along an entire basin than to construct one large project in the middle reaches.



## THE POPULATION OF CEYLON

For such a project would not only have the same results in increasing food production but would also accomplish the additional tasks of fixing on a more secure basis, the existing groups of settlement and retarding rural depopulation.

The rapid development of a better network of roads also needs careful planning and must function as a part of one comprehensive system of development. Judging from what has taken place, the construction of roads has resulted in the gravitation of the rural population of the Dry Zone towards the lines of communication. It has also resulted in an abandonment of the farmlands in the interior and in the localization of shifting cultivation within a fixed orbit.

This trend is a very serious one, and its implications are unfortunately not too well realized. Shifting cultivation, as generally practised in the Dry Zone, involves the yearly rotation of the land and often the shifting of the cultivator's dwelling itself. This system in its pure form is not as harmful and decadent a practice as it is often made out to be. The rapid rotation, coupled with the ready regrowth of the forest cover, retards soil erosion to a minimum, conserves soil fertility and thereby enables the land to recover quite effectively and rapidly. But, when settlement gravitates towards and is fixed by the road in a linear pattern, the range of the shifting cultivator's operations becomes limited. This leads to a progressive desiccation of the land due to overcropping within a limited area.

Furthermore, the development of roads, in the absence of fair systems of marketing, leaves the peasant cultivator wide open to the reach of both the unscrupulous middleman with his fast fleet of lorries, and the wiley trader. From there onwards, a form of commercial fever takes over. The peasant, in the face of exploitation, overtaxes his land in order to raise sufficient money to meet the necessities and requirements of a new mode of life.

Shifting cultivation and its methods serve a subsistence economy well—it has no place in a world of commercial agriculture. In the absence of planned and comprehensive development—better farming methods and fair system of marketing, the construction of a road in the Dry Zone is to the peasant what the candle is to the moth—certain death.

And lastly, in the development of the Dry Zone, speed is an essential. The progress made to date has been all too slow and effort tends to be bottled up in certain pet projects. The maldistribution of population and the island's lack of self-sufficiency in basic foodstuffs can be remedied only if the rate of development of the Dry Zone can keep ahead of the increasing number of the island's population—a trend which daily threatens to enhance the adverse conditions that are already prevalent. If progress in the Dry Zone fails to achieve this the battle will be lost, for the current trends in rural depopulation, an increase



in the concentration of the population in the south-western parts of the island and the drift of the people to the cities will surely continue to take place.

## The Growth of Population and the Future

The population of Ceylon has recently increased at a very rapid rate. In 1871 the population numbered 2,400,380, in 1901 the number was 3,565,854, by 1946 it had increased to 6,577,339 and the latest estimates put the figure at over 7,000,000. These figures show an increase of nearly 300 per cent. in the last 80 years. This rapid growth of population can be attributed to two principal factors—immigration and an excess of births over deaths. (Table 6).

A study of this table brings to light two important factors. Firstly, during the first two decades, the increase in population due to immigration was in excess of the natural increase. This can be attributed to the fact that there occurred during this period the rapid development of plantations, which resulted in the attraction of a large number of South Indians to the plantation districts of Ceylon. Coffee, which was the initial plantation crop reached its peak period of prosperity in the 1870's, by which time nearly 275,000 acres had been opened up for cultivation in the Central Highlands. The 'Coffee Blight' put paid to the industry very soon after this, but its place was taken by tea and rubber which are today the principal plantation crops. This led to the opening up of newer areas in the Highlands and further stimulated immigration from India. Secondly, the table shows that from 1901 onwards, the natural increase became more important than the increase due to migration. This development, most noticeable between 1911-1920, was probably due to the rubber slump, which was accompanied by a heavy reduction in the demand for plantation labour. Since then, despite the fact that both the tea and rubber industries have recovered during recent years, the increase in population due to migration has fallen behind the natural rate of increase. This trend has been further strengthened in recent years by the operation of a policy of Ceylonisation and subsequently the maintenance of a rigid check on immigration from India. The natural increase has been due primarily to a reduction in the death rate—especially infant mortality, and not to an increase in the birth rate. The birth rate has declined steadily from 40.6 per thousand in 1921 to 36.7 per thousand in 1946. The death rate on the other hand has shown a greater rate of decline. It was 31.1 per thousand in 1921, 21.1 per thousand in 1946 and by 1949 had dropped to the surprisingly low figure of 12.6 per thousand. This trend is due primarily to the great increase in medical facilities in recent years and to the curbing of certain endemic diseases, for example, Malaria with the weapons of modern science.

Judging by current trends it is estimated that in the next decade Ceylon can expect an annual increase of over 150,000 persons. This increase will



tend to make more acute the existing problems relating to the population of the island. The rate of increase has already exhibited itself by way of an acute shortage of food, a tremendous increase in the cost of living and an increase in the ratio of urban population from 11·8 per cent. in 1906 to nearly 16 per cent. in 1946. This latter trend being more noticeable in the South-western and Central parts of the island. (Map 3).

This position can be remedied effectively only by the fuller development of the resources of the island. Ceylon's resources are primarily agricultural, its mineral and industrial wealth is limited. This, however, does not mean that limited development in the industrial field cannot take place with good effect. In recent years a number of factories have been set up, mainly on coastal location for the manufacture of various products, e.g. acetic acid—Madampe; glass—Natandiya; ceramics—Negombo; coir—Katunayake; leather, steel rolling, quinine, shark-liver oil—Colombo; plywood—Gintota; cement—Kankesanturai.

These factories have, however, not realised expectations for a number of reasons, among which poor administration, bad management and unwise planning can be singled out for most attention. If developed on correct lines these establishments could do much to relieve the problem of unemployment in the more densely peopled areas. But, to put one's faith in industrialisation as a cure for the prevalent ills in a country like Ceylon, which lacks adequate supplies of metals, coal, oil, capital and skilled labour, and which has a restricted market, seems very ill-advised indeed. Large scale industry in Ceylon cannot be expected to develop to economic levels, and will therefore do little to relieve the problems of the day. However, the island has one big source of potential power in Hydro-electricity, especially in the Central Highlands, which if developed on correct lines, could be utilised in setting up a widespread network of small factory units which could very effectively be used to process the products of agriculture. Industry in Ceylon must be made to function as a reciprocal of agriculture—to do otherwise is to court disaster.

Finally, in a country in which the population is so very heterogeneous, being composed as it is of a number of different racial stocks, professing various creeds and speaking different languages, unity of purpose should be the keynote of all endeavour. Combined thought and action on democratic lines and far-sighted regional planning with the use of modern techniques is necessary before success can be achieved. The island has the space to redistribute its people and it has the land to grow more food. In the crowded world of today, where there is land there is still hope.



## STATISTICS

## PROVINCE

Western Province  
Central Province  
Southern Province  
Northern Province  
Eastern Province  
North-Western Province  
North-Central Province  
Uva Province  
Sabaragamuwa Province

TABLE I			TABLE II		TABLE III	TABLE IV
Area (Sq. miles) (Approx.)	Population	Density	Total Cultivated Area in Acres	% Cultivated Area to Total Area	Acres Cultivated per Capita	Population per Unit of Cultivable Land
1,431 $\frac{3}{4}$	1,876,904	1,310	587,081	64.95	.31	2.78
2,290 $\frac{1}{8}$	1,135,290	496	566,744	38.67	.49	1.5
2,146 $\frac{1}{4}$	961,418	448	454,608	33.37	.47	1.6
3,429 $\frac{1}{3}$	479,572	140	127,879	5.96	.26	2.1
3,840 $\frac{1}{16}$	279,112	73	84,318	3.55	.30	1.4
3,015 $\frac{7}{8}$	667,889	221	617,061	32.22	.92	.86
4,008 $\frac{1}{2}$	139,534	55	78,795	3.09	.56	.82
3,227	372,238	114	175,785	8.39	.47	1.39
1,892 $\frac{1}{2}$	745,382	394	517,830	42.75	.69	1.1

## 1. Source of Statistics

*Ceylon Census Report*, 1946, Parts 1 and 2—Department of Census and Statistics, Colombo.

*Statistical Abstracts*, 1949, 1950, 1951—Department of Census and Statistics, Colombo.

*Ceylon Year Book*, 1949-50—Ceylon Survey Department, Colombo.

*Administration Report of the Controller of Immigration and Emigration*, 1949-50—Government Press, Colombo.

*Preliminary Report on the Economic Survey of Rural Ceylon*, 1951—Government Press, Colombo.

*Health of the Nation*  
*Ceylon Today*  
*Ceylon Food Plan*

Government Information Department—Government Press, Colombo.

## 2. For location of Provinces see Map III.



# THE POPULATION OF CEYLON

TABLE V  
Key to Map II

1. Parakrama Samudra	12. Allai
2. Minneriya	13. Irranaimadu
3. Elahera	14. Tabbowa
4. Kantalai	15. Gal Oya
5. Kagama	16. Unnichchai—Rugam
6. Nachchaduwa	17. Lahugala
7. Nuwara Wewa	18. Ridiyagama
8. Gritale	19. Kirindi Oya
9. Giant's Tank	20. Padawiya
10. Akartimurippu	21. Okkampitiya
11. Minipe	22. Jaffna Lagoon
23. Ridi Bendi Ela	

TABLE VI  
Growth of Population

	<i>Natural Increase</i>	<i>Migration Increase</i>
1871-81	119,792	239,566
1881-91	144,260	103,799
1891-1901	225,406	332,759
1901-11	356,147	184,249
1911-21	319,410	72,845
1921-31	656,990	151,276
1931-46	1,280,916	69,552

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Maps by courtesy of Messrs. George Thambyahpillai and Edmund V. Christian.

RUDOLPH WIKKRAMATILLAKE and  
PERCY SILVA



# Reviews

*The Poetic Approach to Language.* By V. K. Gokak, Oxford University Press.

Mr. Gokak, who is the Principal of Rajaram College, Kolhapur, has made a book out of one part of a series of lectures delivered by him at the Bombay University. It is to have a sequel, based on the other part, which will be called *The Linguistic Approach to Poetry*. One can hardly restrain one's curiosity to see this latter, for there is no clue to its actual contents, except the complementary nature of the title, which, unfortunately, tells us nothing.

For the mere title of the present volume would hardly have led us to anticipate this particular book. 'Poetic' and 'approach' are both words which are somewhat suspect, nowadays, and the author who tells us that he is going to make a 'poetic approach' to language, with special reference to the *history* of English could only expect to stir our curiosity.

After reading the book, one is still left bewildered. There is no hint of an 'approach', although the writer almost promises us a contribution to the reorientation of linguistics. Goodness knows such a thing is very desirable, and our highest hopes are roused when he begins by stating his aim of bringing 'linguistic study into closer relationship with the study of literature'. We could not welcome too warmly a scholar who gives linguistic study such a bent, and connects it with such things as the problem of style, or the special relationship of the different significant elements of language in poetic usage.

But, apparently, the writer is in fact less ambitious than his stated aims imply. It is *not* a new discipline in semantics that he introduces us to but a large new assortment of linguistic curiosities which are supposed to illustrate the 'poetry' of language. These curiosities we have been accustomed to see gathered together by people like Ernest Weekley, and called etymology or the romance of words and phrases. Here the title of the book, and the chapter headings announce something more solemn, but the contents are really the same.

Here is how we must interpret the title of the present work:—the writer maintains that there is 'poetry' in language. Neither the one nor the other term is defined, except that the chapter headings announce that in poetry are implied 'music', 'feeling', 'intuition', and 'imagination'. Each of these elements of 'poetry' (sense is, naturally, excluded) is duly illustrated—by examples like the following from 'Imagination in Language'—but not so as to define it, even minimally.

'Semantic changes are also occasioned by the activity of the imagination. Imagination alone can account for and picture the transition in meaning from *fast* meaning 'firm, immovable', to *fast* meaning 'quick-moving'. The notion of firmness was developed later into what Bradley calls 'unwavering persistence in movement'. One could then speak of 'running fast'. A further natural extension of meaning is from 'running fast' to 'living fast'! All this shows that the etymologist can hardly afford to dispense with the penetrative imagination''.

The following explains Intuition: 'As a shaping influence on language intuition is even subtler than feeling. It follows laws of its own and is even more difficult to theorise about than the emotive element in language. Muddled intuitions and the substitution of conjecture for intuitive perception have heightened the confusion in speculations on this subject.

How tradition, lawless fancy, and intuitive perception contradict each other can be illustrated by a reference to colour-symbolism. Some of the finest mystics and seers of the world detected what they thought were the innate affinities of colour with idea form, or even sound'.



## REVIEWS

Having introduced us, thus, to what is for him poetry, the writer proceeds to find this poetry, in its different aspects in different aspects of language, 'with special reference to the history of English'. 'Poetry' is found in grammar, and in slang, in pidgin, and even in Standard English, not to speak of Proper Names, Coinages, Dialects and so forth. All these different heads serve to divide his very interesting material into chapters of uniform length.

That is really the plan of this book.

Nobody should be misled by the constant reference to writers on semantic problems into believing that this book has anything to do with semantics. Vossler, Vendryes, Ogden, Breal, and the rest are quoted only to illustrate some particular piece of quaint linguistic history. No attempt is made to trace any thing like a course (approach) among the bewilderingly different lines of approach of these authorities. Indeed, to add colour to his conception of poetry, we find not only scientific analysts of meaning represented in quotations, but also mystics (like 'A.E.' who brings out the points about intuition and colour symbolism, and Sri Aurobindo, not to speak of the Vedic Scholars). The lack of any specific drift in the book from the point of view of semantics could hardly be more painfully made obvious than to the reader who tries to put something together from the variety of semantic references made.

The last part of the book is called *The Language of Poetry as Illustrative of the Poetry of Language*, so it has little to do with the main scheme of the book, unless (this would be unreasonable to suppose) it is part of the sequel that got written in the first volume by mistake. In this part, the writer analyses the meaning of very complex words like 'melancholy', 'duty', 'conscience', 'indolence' as they appear 'in poetry'. Quotation will not serve here, but it should be sufficient to quote the writer's statement that 'to the scholar, poetry is, in the last analysis, *language*'. He intensifies his enjoyment of poetry by apprehending the rhythm within the rhythm, the image within the image, and the meaning within the meaning of words. He employs liberally the findings(?) of linguistic investigation in order that he may grasp this inner rhythm, imagery and meaning'. Keats on the word 'melancholy' is the choicest instance of the procedure.

D. DE S.

*The State*. By K. P. Mukherji. Madras 1952.

India, in modern times, has produced little in terms of political speculation. Political thinking since Kautilya and Manu, till almost the other day, was left to the West. The resurgence of Asia, however, has brought forth the beginnings of serious political speculation in the East. Dr. K. P. Mukherji's *State* is a pioneer in this direction.

Professor Mukherji is steeped in ancient Indian political thought and is also a careful student of Western political ideas. One gets the impression that Professor Mukherji's book is often enough a synthesis of the fundamental ethical principles of ancient Hindu polity and modern liberal doctrines. If one may venture an analogy, Dr. Mukherji is closest to T. H. Green, except that the 'federal' tradition of ancient Hindu polity punctuates the former's views.

The *State* is not an explanation of existing political organisations, which are called states. It is a philosophical statement of what the state ought to be. The State, then, argues Professor Mukherji, is (ought to be) an impartial agent of a moral society whose main purpose is to make justice available to all on equal terms. In this sense, the state is an agent of society translating into actual reality, society's conception of justice. If an actual 'political organisation', called the state, does not satisfy these requirements, it is not a state; but there is a possibility of statehood being reached by conscious evolution.

A theory of the state as thus expounded will naturally find its opponents and protagonists. Some will find a number of Professor Mukherji's assumptions untenable. Others



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will argue that in defining the state as it should be, he is not helping to understand the state as it is and why it is as it is. He argues that each political theorist of the West emphasised one aspect largely to the exclusion of others and finds that each left man's desire for a moral reason to render obedience to authority, partly unsatisfied. Whether Professor Mukherji's 'ethico-evolutionary' theory would satisfy that desire is a question, however, on which there will be differences of opinion. Yet, when all this is said, Professor Mukherji should be congratulated for evolving a theory of the state in terms of Indian experience and rescuing the ideas of ancient Indian thinkers from the limbo of the forgotten past. His book is a protest against the Western habit of excluding Asian political ideas from the tradition of political speculation and thus denying to modern philosophers the wealth of Asian thinking. Professor Mukherji's *State*, therefore, is a book which should be in the library of every serious student of political ideas.

I. D. S. W.

*English Biography in the Seventeenth Century*, Selected Short Lives, Ed. V. de Sola Pinto, Harrap, London 1951, Oxford University Press, India.  
Rs. 5 II 0.

Professor de Sola Pinto's selection belongs to a series entitled 'Life, Literature and Thought Library' intended for students in the universities and in the upper forms of schools, of which he is General Editor and in which two other volumes have already appeared.

To this selection the editor contributes an interesting and valuable introduction on biography and biographers in English which raises some questions which one would have liked to see discussed at greater length. Professor de Sola Pinto quotes Stauffer for the information that 'biography' and 'biographer' were first used in English in 1661 and 1662, and comments 'A new word was added to the language to denote a new conception of the writing of lives'. One wonders whether what was specifically new in attitudes to lives of the great or the significant is as definitely conveyed in most of the selections presented here as the editor would wish us to suppose. It must be stated that the editor himself notes that Walton, for instance, compromises between an inductive treatment of carefully compiled factual material and the imaginative presentation of an ideal ethical type'.

One wonders, too, whether the begetters of good biography could be set down as 'the scientific spirit, Christian humanism, and Puritanism'. True, the editor credits these three with the production of an intellectual atmosphere in which good biography could flourish. One wonders, remembering Defoe and Richardson in the next century who practised a mode that differed very little in its superficialities from biography, whether the trading interest and the middle class man with his practical interest in objects and man's concern with them had not a great deal to do with it too. Perhaps one could understand this development or assume it under the headings of the scientific spirit or Puritanism, but one is a trifle disappointed that the life of the times has not been as well served as its thought.

But these are points which have occurred only as a result of the extremely readable and gratifying introductory essay which the editor provides. One is very doubtful, however, whether this excellent text could be used in the upper forms of schools here. Perhaps those who work for university scholarships in English could handle the book and profit from it. But certainly it would be the kind of aid to work on the seventeenth century which an Honours class in a university would be glad of. The notes are to the point and helpful, and the Appendix with its extracts from Burnet and Dryden is a happy afterthought. The omission of the autobiographies and Lucy Hutchinson's MEMOIRS was to be expected in a collection of short lives, but there is so much material there illustrative of the life and thought of the seventeenth century that one hopes that this same series will later consider a selection from some of these texts.

E. F. C. L.



## REVIEWS

The New Clarendon Shakespeare: *Henry the Fourth, Part I.* Edited by Bernard Newman. (Oxford University Press, Rs. 3/11/-).

'The New Clarendon Shakespeare', says the general prefatory note, 'aims primarily at presenting the text in such a way that it can be easily read and understood . . . The notes have been divided, short glosses being placed below the text, while the more difficult passages are reserved for the commentary at the end. The latter, in the introductions to each scene and in the notes on individual lines, also gives full attention to points of literary and dramatic interest which have rightly come to the fore in modern teaching of English Literature'. The elucidatory notes, for the most part, are clear, sound and useful, and this in itself, added to the clean type and neat arrangement—the notes are not crowded against the text as in so many depressing editions—is likely to recommend this edition for wide school use. There is, however, a marked tendency on the part of the editor to approach the text with too simple-minded a notion of 'meaning'. For instance, the notes to Hotspur's lines

Never did base and rotten policy

Colour her working with such deadly wounds;

interpret 'policy' as 'treachery' and 'colour' as 'disguise'. Now 'treachery' is certainly part of the meaning of the word 'policy', but no one familiar with the wider range of implications with which it is invested throughout the Shakespeare canon is likely to rest content with that interpretation alone. Similarly, although 'disguise' is admittedly the main literal meaning of 'colour', there are obvious visual suggestions referring back to the line immediately preceding the two lines quoted—'Blood-stained with these valiant combatants'. This is a simple example of the familiar Shakespearean metaphorical vitality, and one feels that some attempt to bring out the more complex ramifications of the language might have been made, even in a school edition. Indeed, despite the claim that the commentary 'gives full attention to points of literary and dramatic interest', little or no attention has been given to the poetry and its dramatic function. It is rightly observed that '*Henry IV* marks a definite advance on *Richard II* for all the poetic beauty of that play. Shakespeare was now attaining the maturity of his powers in drama and characterization'. But Mr. Newman goes no further; he makes no mention of the correlated advance in Shakespeare's writing of dramatic blank verse, from the highly stylized 'decorative' verse of the earlier play to the more flexible, colloquial idiom, with its possibilities of wider reference and suggestiveness, of *Henry IV*.

The brief sketch of the development of the historical play as a form is quite useful and competent. Mr. Newman has done well to note the link between this dramatic type and the 'medieval miracle and morality plays, including the practice of mixing serious scenes and personages with comic or "low life" episodes and characters'. And he makes the essential points about the dependence of the history cycle on the contemporary notion of 'order' neatly and simply.

The critical comment, however, is flat and conventional. It is perfectly true that the 'comedy scenes . . . are something more than merely comic interludes. They relieve and support the serious business of the play . . .'. One only wishes that Mr. Newman had not left it at that, and had utilized the space devoted to a routine examination of the characters in the true Verity tradition ('Shakespeare . . . who evidently portrayed Hotspur with a loving hand, assigns him most of the poetry in the play') for some consideration of the ironical-critical function of the comic scenes and the symbolic status of Falstaff.

This edition is as good a production as most low-priced Shakespeare texts, and, with the advantages noted above regarding layout and legibility, considerably better than many. It does not, however, provide the teacher with that long-awaited and much-needed critically intelligent school edition of the greatest of dramatic poets.

R. M.



*The Book of Signs*. By G. H. Mees. Published by N. Kluwer. Deventer, 1951; pp. 407.

This is the first volume of an intended series of studies dealing with the meaning of symbolism. The author himself calls it 'An Exposition of Traditional Psychology'. The data of the subject, as he understands, is contained not only in the traditions of the ancients but also in the 'fundamentals of symbolism' within the unconscious of man. Both the significance of the method and the purpose of this study are well brought out in the following words (p. 8): 'When the study of comparative religion, mythology and culture ceases to be an exclusive concern of the rational mind and a pastime for sectarians, and is followed on a truly sincere and unbiassed basis, and not pursued in an abstract way, continually referred to the psychological and sociological actualities of life . . . it will be a study of traditional psychology'.

Dr. Mees points out that psychologists have recognized the intimate relationship between the symbolic material present in man's own unconscious, such as evidenced in dreams, and that found in the traditions of old. He believes that the study of the traditional material that is dealt with in this work with reference to man's own unconscious will show how intimate that relationship is. So important is this fact according to him that the author does not hesitate to include even the highest spiritual experience of man within this category.

Further, he emphasizes the great value of the science of etymology in the search for the meaning of symbols. Apart from the purely philological factors, there are certain pseudo-etymological factors of great value to psychology. Between pure etymology and what is called 'popular etymology' is a great field which—for lack of a better name—may be termed 'psychological etymology'. As an example, Dr. Mees cites the association between the words 'bliss' and 'blessing' which are not, of course, related linguistically in their origin, for the first originally meant joy and is related to 'blithe', and the second indicated a wound and is related to 'blood'. Since both came to be connected with religious sacrifices, an association was formed in the mind. He points out further that even wrong etymological conclusions of past generations have similarly become traditions and thus they could be accepted as forms of 'psychological etymology'. Students of Indian religious and mystical literature will find a valuable hint here in understanding the frequent instances of 'sound' etymology that occur in such texts.

The reader will observe that in the above treatment of the psychological aspect of etymology and even in his general approach to the whole problem of symbolism the author shows considerable affinity with the school of Jung, although there are conspicuous differences in method and scope as well. 'Symbols', says the author, 'represent psychological situations in connection with particular stages in a time-cycle . . . Their meaning should be deduced from their context, as in the case with words in a sentence. They may, and should, be rationally clarified and explained, as long as it is realized that this process deals with only one aspect of their nature. The other aspects are clarified at the hand of supplementing and analogous symbols' (pp. 9-10). Here in brief we have the author's method of approach outlined, and it will be easy to see how far he shows agreement with previous authorities on the subject.

The careful reader of this volume will not fail to be impressed by the vastness of Dr. Mees' range of interest. Apart from his intimate knowledge of modern psychoanalytical theory and practice he evinces an all-round familiarity with the historical religions and cultures. He is equally at home with the Vedas as with the Talmud and the Bible, equally conversant with the myths and legends of the Purāṇas as with those of Greece and Rome.



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In fact, the vast amount of data on symbolism garnered in this single volume is sufficient for the study of a lifetime. And the author is to be congratulated on introducing a new line of approach to the study of a phenomenon, unfortunately misunderstood, if not altogether missed, by the majority of writers before him who dealt with religious symbolism. There may be some to whom Dr. Mees' method of approach is not quite acceptable, but none, I think, will deny the great value of his study or fail to appreciate the immense labour expended on this vast undertaking. I hope that this volume will be read with great interest by all students of religion and culture, whether of the East or of the West, and not a few will await with eagerness the publication of the other volumes of this series.

O. H. de A. W.

*The Social Framework.* J. R. Hicks. Clarendon Press—2nd edn.; pp. 283; 12s. 6d.

Since it first appeared in 1942 Professor Hicks' *Social Framework* has had seven reprints. The author in this new edition, besides bringing his data up-to-date, has re-written several chapters in the second half of the book and added an altogether new section on 'Social Accounting'. The Preface says: 'I have written this book because I have come to hold a particular point of view about the right way to arrange economics for elementary study'. It cannot be said that Professor Hicks' ideas have led to a change in the way that economics is taught but the undoubted popularity of this book indicates that his views have exercised a considerable influence.

The usual run of elementary text-book introduces the student to the stock-in-trade of the economist such as the theory of value, perfect competition, the equilibrium of the firm, monopoly, monopolistic competition and the theories of distribution, employment, population and money. These subjects are discussed with the aid of imaginary and invariably imaginative examples. For instance, the student's first insight into value theory is through Mr. X and Mr. Y. trying to exchange apples for oranges or perhaps tots of rum for packets of cigarettes. The chief merit of Professor Hicks' book is that it takes the beginner to the stuff that makes Economics worth studying, the stuff that gives its chief appeal to the hundreds that flock into the Economics departments of Universities—the facts of everyday life. This is done by basing nearly the whole of the book on the economic statistics of the United Kingdom (primarily National Income figures). The reviewer wholeheartedly endorses the view that the best way to introduce a beginner to economics is to present him with a rounded picture of the complexity of economic phenomena and their mutual interaction. The method of 'Social Accounting' is particularly helpful in that it shows the similarities as well as the differences between individual accounts and the national accounts. The book, incidentally, shows the piercing light thrown on problems of analysis and interpretation by recent developments in the measurement of economic quantities and in the use of macro-economic concepts. No longer can a first year University student finish his course without quite knowing what it is all about.

*Social Framework* is essentially a book in Applied Economics though there is a fair admixture of theory. After an introductory survey of the productive process in a capitalist economy it deals with the factors of production—Labour and Capital and the causes of inequality of incomes. This leads to a consideration of the Social Product, foreign payments, and Social Accounting. The clarity and precision with which complicated ideas are put across is admirable.



## UNIVERSITY OF CEYLON REVIEW

The completely successful introductory book on *Theory* has yet to be written. But Professor Hicks' work goes a long way to prepare the student for the doses of theory that must necessarily follow. It is often the case today that the very theories which an undergraduate is asked to accept in his first year are condemned in his final year as being 'unrealistic'. This difficulty is apparent when for instance the author discusses wage-determination where he is inclined to ignore the important influence of collective bargaining. The present reviewer might here be permitted to express his personal disagreement with the underlying assumptions of the book regarding the merits of the price-mechanism as a method of resource-allocation and the virtues and necessity of private property in land and capital. Writers on Economics all too seldom make clear that their analyses and conclusions refer only to a particular institutional set-up. Fortunately, however, the book does not suffer unduly from the author's predilections since he contents himself with leading the reader right up to the borders of theory and then leaves him to look for other guides.

*Social Framework* while giving a clear insight into the working of the economy to the beginner, provides even the advanced student with food for thought with its elaboration of the Social Accounting technique.

H. A. de S. G.

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### OTHER BOOKS RECEIVED

*Saṃskṛta-Sāhityaya*. By Rev. G. Somārāma. Vidyālaṅkāra Press, Kelaniya.

This is a short history of Sanskrit literature in Sinhalese, especially meant of the final year students of Pirivenas. The present volume is confined to the Vedic Period, and is obviously a collection of 'lectures' originally meant for the students of the writer's own institution.

Neither in the arrangement nor in the contents is there any noticeable departure from previous publications of a similar nature. Perhaps the only distinguishing feature is that it is written from a purely literary point of view, and in a simple style that is much more suitable for the purpose than the archaic idiom that is generally employed in such Sinhalese works.

*The Indo-Asian Culture*. Vol. I, Nos. 1 and 2. Published quarterly by the Indian Council for Cultural Relations.

The objects of the Indian Council are to establish, revive and strengthen cultural relations between India and other countries, and in this task an organ like the one under-review is a great necessity. From the quality and standard of the two numbers available, one cannot but offer sincere congratulations to the Editor for the studious choice of contributors who without exception maintain a very high level indeed in their papers. Although the journal is published with the practical purpose of promoting cultural relations, it must be mentioned that several of the contributions in these two parts have great academic value and will be read by students of culture with great advantage.