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CEYLON, 120

AND THE

GOVERNMENT OF LORD TORRINGTON,

CONTAINING

A CORRECTION OF THE ERRORS IN AN ARTICLE
IN THE QUARTERLY REVIEW FOR
DECEMBER, 1850,

ENTITLED

“THE MYSTERIES OF CEYLON.”

“An error believed but for an hour doth often cause in communities mischiefs of
many years' continuance.”—CARDINAL DE LOBRAINE.

LONDON:
JAMES MADDEN, 8, LEADENHALL STREET.

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CEYLON AND THE GOVERNMENT OF
LORD TORRINGTON,

&c.

I.

“The Government of this Colony is administered by a Governor, assisted by a Council entirely consisting of European Civil and Military servants, ‘totally subservient to the will of the Governor.’”—QUARTERLY REVIEW, p. 100.

CEYLON is governed not by one council, but by two; the Executive and the Legislative. These so far from “consisting entirely of Europeans” contain Dutch, Singhalese and Malabar members—so far from any preponderance of “military servants” there is but one military officer out of sixteen individuals—and so far from being exclusively in government employment or under government control, there are amongst the members, practising lawyers, English merchants and proprietors of coffee plantations.

All laws and ordinances are passed by the Legislative council; its discussions are free, and its proceedings open to the public and the press.

II.

"Its religion, as established by treaty, is that of Buddha."—
 QUARTERLY REVIEW, p. 100.

There is no established religion in Ceylon. The Treaty alluded to did not apply to Ceylon, but to a single province of the interior, viz., the district of Kandy. It was signed in 1815, when that province voluntarily submitted itself to Great Britain, but it was annulled by a sanguinary rebellion two years afterwards, which "after a severe and protracted struggle" (*Quarterly Review*, p. 101), we succeeded in repressing, when the original convention was replaced by a new arrangement, ensuring not the "establishment" of the religion of Buddha, but its *toleration*.

III.

*"An elaborate Report by Sir Emerson Tennent, who had filled
 "for a short time the post of Parliamentary Under-
 "Secretary to the Board of Control, and had subse-
 "quently contrived to exchange his seat in the House of
 "Commons for the more lucrative position of Colonial
 "Secretary of Ceylon, enables us to offer some informa-
 "tion respecting the financial condition of the Colony in
 "1846."*—QUARTERLY REVIEW, p. 10.

Sir Emerson Tennent was one of the secretaries of the Board of Control under Sir Robert Peel's government, from Sept. 1841 to Aug. 1845, when he was appointed by Lord Stanley Colonial Secretary for Ceylon. His report, above alluded to, has no reference to the "financial condition of the colony," but relates exclusively to its system of revenue, with suggestions on its improvement

IV.

“According to Sir Emerson, although the financial system which prevailed in Ceylon, in 1846, was essentially vicious, Sir Colin Campbell [the late Governor] had contrived to leave its Treasury in a most prosperous condition. Sir Emerson proved to his employers, that ‘they might count on a large accumulated fund actually in hand, and upon a considerable annual surplus.’ His Report, from which we have quoted, was duly forwarded to Downing Street, &c.—QUARTERLY REVIEW, pp. 102, 103.

The words above, which profess to have been quoted from Sir Emerson Tennent’s Report, are not to be found in any part of it. In fact, so far from announcing an “*accumulated fund*,” he made no allusion whatsoever to the existing state of the finances; and, so far from promising a probable “*annual surplus*,” he informed the government at home, that the revenue was declining, “owing to uncertainty as to the continuance of the protective duties upon coffee;” and he warned them, that, *from this, and other causes, it would be prudent to estimate the probable revenue of the coming year (1847) at least from 40,000l. to 50,000l. below that of the last.*—See REPORTS on the Finance and Commerce of Ceylon. Presented by command of her Majesty, April 1848, pp. 46, 47.

The words which the “Quarterly Review” professes to quote from Sir Emerson Tennent, are to be found, not in the report as represented, but in the report of a Committee in London, to whom it was referred for examination by Earl Grey; and who were themselves misled by incorrect accounts sent

home from Ceylon previously to Sir Emerson's appointment.—See *Report of Messrs. HAWES, TUFFNELL, LEFEVRE, and BIRD.* Ceylon Papers, April 1848, pp. 7, 8.

V.

“ Upon reaching the seat of his government, a very disagree-
 “ able surprise awaited His Excellency [Lord Torrington].
 “ He found that the Balance in hand existed only in the
 “ imagination of Mr. Hawes, and Sir Emerson Tennent,
 “ who had created it by contriving in their respective
 “ Reports to mistake liabilities for assets. They had
 “ counted as cash in hand, a large amount of unissued
 “ notes of the Colonial Treasury, which had long lain
 “ waste paper in its coffers, and—worse still—a larger
 “ number of the said notes actually in circulation, and
 “ payable at sight !”—QUARTERLY REVIEW, p. 104.

Neither Mr. Hawes nor Sir Emerson Tennent made any such error. The real fact was, that the practice of counting retired Notes as cash in hand, and of omitting to treat Notes in circulation as liabilities, when calculating the annual balance, had been habitually committed by the predecessors of Sir Emerson Tennent, down to the close of 1845. But, in sending home the finance account of 1846, Sir Emerson called the attention of the Secretary of State to the fallacy, and stated the real balance at its just amount (see *DESPATCH of Lieutenant-Governor SIR EMERSON TENNENT to Earl Grey, May 10, 1847, No. 19*). The following passage, in the first despatch written by Lord Torrington after his assumption of the government, exhibits the true state of the case :

“ It was, I confess, not without some surprise
 “ that I learned, as distinctly pointed out in Sir

“ Emerson Tennent’s Blue Book, Despatch No. 19
 “ of the 10th of May last, not only that a very large
 “ amount of Government notes payable on demand
 “ were in circulation in the colony, but that a large
 “ quantity of similar notes, not in actual circulation,
 “ but lying dormant in the Treasury, had been habit-
 “ ually included among the balances carried to the
 “ credit of Government. This practice of including
 “ the Treasury Notes as a portion of the Treasury
 “ balances appears to have prevailed in the annual
 “ financial statements *for some years past*, and has
 “ thus contributed largely to produce an erroneous
 “ impression of a large available surplus. *It is but*
 “ *just to Sir Emerson Tennent to state that he distinctly*
 “ *pointed out in the Despatch above-mentioned, this*
 “ *fallacy of RETURNING LIABILITIES AS ASSETS, and that,*
 “ *he represented the Cash Balance at its real amount.’*
 —See Ceylon Papers, presented by command, Feb.
 1849, p. 5.

VI.

“ *The Governor of Ceylon [Lord Torrington] hastened to*
 “ *introduce such modifications in the tariff as he conceived*
 “ *would give encouragement to an increased production of*
 “ *the staple articles of export of the Colony. Export*
 “ *duties were instantly and agreeably repealed, import*
 “ *duties lowered; and the sinking revenues of the Colony*
 “ *squandered without a moment’s consideration; in spite*
 “ *of the respectful suggestions of the merchants of*
 “ *Colombo, that such steps should not be taken until some*
 “ *plan had been matured for supplying the enormous*
 “ *deficiency which they must inevitably create.*—QUAR-
 TERLY REVIEW, p. 104.

The Export duties on cinnamon, the great staple of

the colony, were reduced, and those on all other articles repealed by Lord Torrington in 1848. The amount of income thus surrendered was calculated at about 20,000*l.* And by turning to the *Ceylon Papers* presented *April* 1848, it will be seen that “*the total abolition of all the export duties*” was pressed upon the Government in 1846 by the Customs’ authorities of Ceylon, as “*the greatest relief that could be afforded to the mercantile and commercial interests* (p. 138); that the former Governor, Sir Colin Campbell, whom the *Quarterly Review* justly praises for his “energy in “promoting the civilisation of Ceylon and the interests “of its commerce” (*Quarterly Review*, p. 101), represented the prevalence of “an unhappy unanimity in “Ceylon, as to the rapidly declining condition of the “trade in cinnamon, and the indispensable necessity “for the immediate discontinuance of the duty upon “its exports, to save its cultivation from utter abandonment (*Ceylon Papers, April* 1848, p. 40). And that, with the exception of *one* single individual, the very *merchants* whom the *Quarterly Review* represents as deprecating the abolition in 1848, represented to the Governor in November, 1846, that if notice was not instantly given of an intention to repeal the Export duty “not only would the crop of 1847 be “lost, but the natives would continue the destruction “of the plantations, by rooting up the cinnamon for “the purpose of planting other produce” (p. 141.) The same parties urged “the general impolicy of “Export duties” on all other articles, and pointed to the example of their abolition at home; and, by the next mail, the Governor forwarded a further memorial from the merchants and planters of Kandy to the same effect. (*Ib.* p. 146).

The truth is, that the merchants whom the *Quarterly Review* represents, as condemning the abolition of the export duties, were the most unanimous advocates of the measure; and *the only objection which they at one time entertained, arose from their dislike to a LAND TAX, which it was at first proposed to levy on coffee lands, in lieu of the export duty on coffee which was about to be abolished.* In deference to their opinion, the project of levying a land tax was abandoned, other taxes in lieu of it were proposed; these latter taxes the merchants approved of, and eagerly supported; and the export duties were repealed.

VII.

“ Lord Torrington undertook to meet the difficulty off-hand, by the imposition of seven new taxes of his own invention —a road tax, or poll tax—a shop tax—a gun tax—and a dog tax, were the most obnoxious of them.”— QUARTERLY REVIEW, p. 105.

No one of the new taxes, either was, or was pretended to be, an “invention” of Lord Torrington. They had, without a single exception, been suggested years before he arrived in the colony, and recommended by the Secretary of State, or by his predecessors, in the government of Ceylon. The road tax was a suggestion of LORD ABERDEEN, made when Secretary for the Colonies, several years before, and reiterated by LORD STANLEY, in 1843: the Gun tax was a suggestion emanating from the legislative council of the Colony in 1842, who also called for the Dog tax, as a precaution of police. These, and several other propositions had been considered in Sir Emerson Tennent’s Report in 1846, recommended for adoption

by the then governor, Sir Colin Campbell, and approved by Earl Grey, in his instructions to Lord Torrington, before proceeding to assume his government.

It is important also to add, that with one single exception (the tax upon Shops, which applied exclusively to a few of the larger towns), each of these taxes received in the form in which they were finally imposed, the unanimous concurrence of the members of the local government, and of the councils of the colony, both executive and legislative.

VIII.

“ The bulk of the population of Ceylon are extremely poor; they seldom own any money whatever. Two of their taxes, on dogs and guns, were imposed on what were to them absolute necessaries of life.”—QUARTERLY REVIEW, p. 106.

The bulk of the population were totally unaffected by the tax upon Dogs. It was enacted solely as a measure of police, to abate a dangerous nuisance in the *towns* and populous *villages*; and even those, who at a period subsequent to its passing, affected to question its necessity in the latter localities, were forced to admit, that as regarded the former, *“ it was necessary and well adapted for the objects and limitations proposed.”* See QUARTERLY REVIEW, p. 107.

IX.

“ His Excellency [Lord Torrington] was involved from the moment of his arrival, in a series of personal squabbles with the civil and military public servants, and was endeavouring, in defiance of all established precedent and custom, to carry on the affairs of the

“state with the assistance of a few favourites as new to the Colony as himself.”—QUARTERLY REVIEW, p. 106.

So far from it being true, that Lord Torrington neglected his constitutional advisers in the council, whom it was his duty to consult on all matters of policy and legislation, a comparative statement was laid before the Ceylon Committee, in 1850, exhibiting the proportion in which his predecessors and himself had resorted to them for advice and assistance; and the result shewed, that the occasions on which he had done so were nearly in the proportion of *two to one*, as compared with previous governors. — See *Ceylon Papers*, 1851, p. 365, quest. 4063.

X.

“Petitions and memorials against the new taxes were soon forwarded to the Governor from all classes in the island, to dissuade Lord Torrington from persisting in his ill-advised and crude attempts at financial reform.”
—QUARTERLY REVIEW, p. 106, 107.

No petitions from any parties, native or European, were presented against the taxes till *long after* they had been propounded, discussed, and passed into law. In the interim, intelligence reached Ceylon of the series of Revolutions which electrified Europe in 1848. *The unscrupulous press of the colony immediately addressed itself to counsel similar movements there*; the example of France was openly pressed upon the Singhalese; they were informed, that the coloured population of the French Colonies had all achieved the full enjoyment of democratic power, and that it was competent to the natives of Ceylon, by similar

determination, to acquire the means of resisting taxation.—(*Minutes of Evidence*, 1850, p. 168, quest. 2582.) Addresses to this effect appeared in the *Colombo Observer*, and being translated into the native languages were circulated throughout the island. Tumultuous meetings were immediately held, and, FOR THE FIRST TIME, the taxes, which had been exacted without objection or opposition months before, were demanded to be repealed, and threats of violence declared, if the government withheld compliance.

XI.

“ *On the 6th of July, 1848, a large body of unarmed Cingalese flocked into the town of Kandy, with the avowed object of complaining of the injustice of the new taxes. The police called for the assistance of the military, and on the appearance of two companies of the 15th Regiment, the mob at once peaceably withdrew, on receiving a promise that Sir Emerson Tennent should receive a deputation from them on the following day. This interview took place on the 7th, when Sir Emerson Tennent reported to the Governor, that after he had addressed the malcontents they had all gone home perfectly satisfied.*”—QUARTERLY REVIEW, p. 108.

The sedition disseminated by the colonial press was already bearing its fruit. The disaffected Kandian chiefs were preparing for a fresh attempt at rebellion. The evidence taken last session by the Ceylon Committee furnishes abundant proof, that what the people flocked into Kandy to remonstrate against, was not so much the enforcement of *the taxes already enacted*, as the apprehended enactment of *thirty-two additional taxes*, which, it had been mischievously reported, were about to be imposed upon every species of agricul-

tural produce. A panic had been thus created by disloyal head-men, who insidiously exhibited, as proofs of their tale, the *blank forms* which are issued annually by the Government, for the purpose of being filled up with statistical returns, shewing the progress of the colony.

On being satisfied, by the assurances of the Colonial Secretary, that they had been misled, not only upon this point, but by dishonest misrepresentations as to the nature of the taxation already imposed, the assembly quietly dispersed, as represented by Sir Emerson Tennent; and Lord Torrington was perfectly warranted in writing as he did to Earl Grey, to the effect stated by the "Quarterly Review," p. 109, that the colony was again tranquil, and the minds of the people disabused.

XII.

"The very next mail, however, arrived fraught with despatches of a different tenor. Lord Torrington frankly confessed that he and Sir Emerson Tennent had been unconsciously slumbering on a volcano, and that it had exploded. He announced that Ceylon was in open insurrection; that 'a pretender had boldly raised the standard, and claimed the throne of Kandy.'"—QUARTERLY REVIEW, p. 109.

The evidence just published shows, in ample detail, the origin, objects, and extent of the revolt. The "Quarterly Review" affects to treat it as a tumult, occasioned by the impatience of injudicious taxation. But the taxation referred to applied to the entire length and breadth of Ceylon, whilst the rebellion was confined to one single district—the province of Kandy. That province, as already stated, the English Government

had acquired in 1815; and between that date and 1848, a period of but thirty-three years, Kandy had been the scene of no less than five treasonable movements, two, which had been repressed by force of arms, in 1817 and 1823, and three conspiracies detected before explosion, in 1820, 1834, and 1843; besides arrests for combinations to levy war in 1816, 1819, 1820, 1824, 1830, and 1842.—*Minutes of Evidence*, 1850, p. 163, question 2541.

The chiefs of this turbulent province, which had been till 1815 an independent kingdom, had been ever on the alert to recover the supremacy and drive out the English; and the rebellion of 1848 was the result of a formidable combination to renew the attempt, the time having appeared to them favourable from the exhortation of the revolutionary Press of the island, and the facility of exciting their clans and dependants against any species of taxation however reasonable or just. The evidence just printed contains official documents to show that the entire extent of the ancient kingdom of Kandy was engaged in this attempt, and that upwards of 100,000 armed men in the immediate vicinity were preparing to concentrate and seize the capital town of the province. Their march had actually commenced, under a king who had gone through a form of coronation, assembled an army, declared the British government at an end, attacked and took possession of Matelle, one of the principal towns, within fourteen miles of Kandy itself; and despatched three of his colleagues, each with the title of "king," to raise the war in the adjoining districts. A similar rebellion, but less extensive in its ramification, and less formidable in its commence-

ment, had burst out in 1817; it raged for nearly two years, with the loss of upwards of 1000 British troops, and the destruction of many thousands of the natives, by the sword, famine, and disease, and was not suppressed till after the entire province had been placed for twelve months under the operation of martial law. Warned by this example, Lord Torrington promptly adopted *in the beginning* that course which on former occasions had alone been found effectual in the end; he proclaimed martial law in two localities successively as the rebellion broke out in each; and in the course of two months he established that tranquillity which it had taken two years to restore in 1818.

The same press which had roused the people to revolt by its exhortations, was the first, in its alarm, to praise the vigour of Lord Torrington for the promptitude with which he had suppressed it; but no sooner was it put down than the same press, misled as to the real extent of the danger by the rapidity with which it had been averted, turned round upon the governor, and denounced as excessive and severe the very measures which it had lauded as bold and energetic before. What had been extolled as *vigour* when the danger was imminent it denounced as *rigour* when the danger was past.—*Minutes of Evidence*, 1850, p. 221, question 2855.

XIII.

“ Two hundred soldiers were at once despatched from Kandy,
 “ upon the apparently forlorn hope of dislodging these
 “ infuriated and misguided multitudes. A general engage-
 “ ment instantly took place, and in a few moments the

“insurgents were completely routed; losing, in killed and wounded, upwards of 200 men. On the part of the British, one soldier of the 15th, who were in reserve, was slightly wounded in the thigh by a spent shot, fired from the field of battle; one man, the superintendent of a coffee estate, was discovered in the vicinity tied neck and heels; lastly, a few public buildings and private plantations, which had been deserted by the persons whose duty it was to take care of them, were plundered by the natives; and this was positively all the damage done either to life or property by the ‘insurgents’ during the Singhalese rebellion.”—QUARTERLY REVIEW, p. 109.

It is doubtful whether even so much damage was done to the Queen’s troops during the rebellion of the same year *in Ireland*; and yet no one questions that Mr. Smith O’Brien and his misguided followers were “insurgents,” and their object revolution. In the present Caffre war, Sir Harry Smith, in his retreat from Fort Cox, is stated to have left a still greater number of the enemy killed and wounded on the field, and to have returned without the injury or loss of a man; yet little doubt can be entertained as to the formidable nature and extent of the Caffre “rebellion of 1851.”

It is scarcely just to confound the killed and wounded in one return, and to estimate the entire at two hundred. This estimate is but a conjecture; the number of wounded it would be impossible even to guess, the number of killed did not exceed *ten* (see Ceylon Papers, February, 1849, p. 169), and are reported by the officer in command to have amounted to but *six* (*ibid*, p. 178). The small extent of injury inflicted by the rebels on

the Queen's troops is ascribable, not merely to the disadvantage at which irregular bodies at all times operate against regular troops, but to the fact that, in this instance, the action took place after "*a very dark and rainy night*" (see Ceylon Papers, February, 1849, p. 169), to which the musquets of the insurgents were exposed without cover, whilst those of the Queen's troops were protected and in effective order.

XIV.

" It afterwards transpired, from a letter addressed by the Chief of Police to the Governor's private secretary, Mr. Bernard, that these wretched massacres had actually occurred in consequence of a private arrangement entered into between himself, the fugitive magistrates, and the resident Government Agent, Mr. Buller, with the cognizance and approval of Lord Torrington, that no steps should be taken to check the congregation of these large masses of armed men, until they should have committed some disturbance which should enable the authorities to bring them to justice.—QUARTERLY REVIEW, p. 110.

The letter in question was a private note from the Chief of police to Mr. Bernard. It is quite true, that the district judge, in conference with the government agent, Mr. Buller, did give it as his opinion, that the mere assemblages, as then reported, had not rendered themselves amenable to justice by any overt act; and that he advised, as reported by the chief of police that no steps whatever should be taken for the moment. But it is incorrectly stated, that his advice was adopted, or that such an arrangement took place with "the cognizance and approval of Lord Torrington." The fact was, that Mr. Buller, although

he felt that he had no right to disperse assemblages of the people till some breach of the peace had been committed, did not approve of the course suggested by the district judge; and the private note of the chief of police could scarcely have been posted to Mr. Bernard, ere Mr. Buller issued orders for him and his force to proceed that very evening to the scene of these assemblages, with the view to the preservation of the peace (see EVIDENCE of 1850, App. ii. p. 450, and questions 2700, 3641).

XV.

“ Although it is not pretended that prior to the imposition of martial law, any offences save those we have enumerated, were committed by the ‘insurgents,’ or that subsequent to the imposition any offences at all were committed by them, it was continued for between two and three months. During that time the courts martial shot to death 18 individuals, transported 19, imprisoned with hard labour 72, and flogged 58.”—
 QUARTERLY REVIEW, p. 112.

During the prevalence of martial law, the ordinary tribunals were closed; in one of the districts, because the buildings had been destroyed and the civil authorities driven off by the rebels, and in both, because the disturbed state of the country effectually obstructed the ordinary process of law. Under these circumstances the courts martial had, of necessity, the cognizance of all complaints, as to robbery, murder, assaults, and offences of all kinds, committed by the insurgents, or by the bands of marauders who flocked in to benefit by the commotion. The numbers stated by the “Review” include, therefore, not only those concerned in the insurrection, but likewise

all the criminal cases tried during the course of two months, throughout “two of the most populous districts of Ceylon” (*Quarterly Review*, p. 111). They include the punishment of police constables for neglect of duty, of soldiers for disobedience of orders, of servants for robbery, of assassins for murder, of confederates for rescues, of rioters for assault, of impostors for extortion, and of false witnesses for perjury (see List of Offences and Sentences, *Ceylon Papers*, Feb. 1849, p. 258).

XVI.

“Amongst the Ceylon sufferers, was one whose execution is thus mentioned by Lord Torrington, in a despatch to Earl Grey, ‘an influential priest, who was convicted of administering treasonable oaths, was shot at Kandy in full robes.’”—*QUARTERLY REVIEW*, p. 113.

The “Quarterly Review” proceeds to state that he was convicted and sentenced for having held correspondence with the rebels, and administering, or conning at the administration, of a treasonable oath—that this charge is unintelligible, and that the witnesses were perjured. As the execution of a priest “in full robes” created some sensation when read in the House of Commons, it is as well to state that a Buddhist priest has *no other dress* at any time than a piece of yellow cotton, which constitutes his “robe;” that he wears it by day, sleeps in it by night, and is burned in it when dead; and that to lay aside the robe and to clothe himself, even for a moment or by accident, with any other cloth, is an absolute defeasance and abdication of his rank and character as a priest. It is an error therefore to suppose that it was an aggravation of his punishment, or insult to his religion, to put him

to death in his robe; the insult and aggravation would have been applied by divesting him of it.

As to his guilt, it is sufficient to refer to the evidence of 1851, where will be found the official reports of the authorities who had charge of him in prison, and who conducted his execution, from which it will be seen that the Priest *admitted his guilt*, and confessed *that he had acted as charged*; and only attempted the childish extenuation, that he was a poor man and meant no harm.

XVII.

“*The Queen’s advocate of the Colony waited upon his Excellency, and urged him to delay the execution of the sentence for a few days, in order that time might be afforded for further enquiry into the credibility of the witnesses. Lord Torrington’s answer was, ‘By God, sir, if all the lawyers in Ceylon said the priest was innocent, he should be shot to-morrow morning.’*”—QUARTERLY REVIEW, p. 113.

“I am necessitated, in my own defence, to declare to your lordship, on the honor of a peer and a gentleman, that I made use of no such words as those put into my mouth, and that the statement is simply untrue.”—LORD TORRINGTON TO EARL GREY, *Ceylon Papers*, 1851, p. 28.

XVIII.

“*There are good grounds for supposing the priest to be innocent, not only from the blunders which the Governor afterwards confessed himself to have made respecting the identity of that very priest; but also from those which he admits to have incurred respecting the fate of ‘the Pretender.’ Twice he announced*

“ to Earl Grey, that ‘ the Pretender’ had been convicted and shot : but twice he also found himself obliged to confess, that such conviction and execution had been entirely a case of *qui pro quo*—that is, that some poor creature had been sacrificed in “ sheer mistake.”—QUARTERLY REVIEW, p. 114.

It is quite untrue that Lord Torrington ever made any blunder as to “ the identity of that very priest,” and, therefore, impossible that he could have ever made a “ confession” to that effect. There was some doubt at first as to the *rank* of the individual, never any as to his identity or his guilt.

As to the supposed “ sacrifice of some poor creature in mistake for the Pretender, it is another of those mischievous mistakes into which others besides the writer in the *Quarterly Review* have been betrayed, by their want of information as to the customs of the natives of Ceylon. On all occasions like the recent rebellion, whilst one individual alone has been the aspirant to the crown, it has been the habit of the Singhalese, to nominate a number of others, to represent the person of the pretended Sovereign, to be invested for the moment with his power, and to proceed into different districts to raise the war, with all the authority and bearing of the actual title of “ *the King.*” On the recent occasion, there were *four* such pretended kings; and there is reason to believe that a fifth, the real aspirant to the throne, never took the field at all, but awaited in secret the success of his representatives, who, in that event were to transfer the country to himself. Of these four, one named David, the principal, underwent the ceremony of coronation, at the Great Temple of Dambool, and

undertook to conduct the war in the district north of Kandy—his brother Dennis likewise took the title of king, and was engaged in rousing the country to the south—a third called Dingaralle, had the command to the west—a fourth, whose name is unknown, was despatched to the eastward.—See *Ceylon Papers, February, 1849, p. 172, 206.*

Dingaralle was taken prisoner, when proceeding to capture the town of Kornegalle. As he bore the title of *king*, and as the crowned king, who was still in the north country was known to have a brother, he was at first reported to be that brother; and Lord Torrington so wrote, on the 14th August, 1840, to Lord Grey (*Ceylon Papers, February, 1849, p. 172*). But as the brother Dennis proved shortly after to be still at large, and actually engaged in arousing the country, Lord Torrington wrote again, *two days after*, to correct the report, and to say, that “the prisoner who had been shot on that occasion was “only one of the principal adherents of the impostor” (*Ibid. p. 206*). The injustice will be apparent of describing this transaction as the “sacrifice of some poor creature in sheer mistake.” Dingaralle was taken *flagrante bello*, with arms in his hands, surrounded by his followers, and died for his personal share in the rebellion, attested and admitted by himself.

The custom of *personating the king* in civil wars is not peculiar to the Singhalese; and even English history is not without its instances. It explains the exclamation of King Richard at Bosworth:—

“ I think there be *six* Richmonds in the field ;
Five have I slain to-day instead of him !

And so many representatives of the sovereign took the

field with James IV. against the Earl of Surrey, that to this hour it is uncertain whether he who fell at Flodden was the king of Scotland.

XIX.

“ Lord Torrington, whilst expressing to Earl Grey his
 “ entire approbation of the swift severity of martial law,
 “ inveighed bitterly against the less hurried proceedings
 “ of the civil courts. He complained, that although he
 “ had himself taken the greatest pains to ‘prepare’ the
 “ jury lists, convictions had been fewer than he could
 “ have wished, and out of eighteen persons only eight had
 “ been convicted.”—QUARTERLY REVIEW, p. 114.

The drift of this is to suggest that Lord Torrington “himself” packed a jury, and then complained that it had acted fairly! The fact being, that he had done no more than he was required to do by the law of the colony, namely, directed the usual periodical review of the list of all persons throughout the entire province entitled to act as jurors, expunging the dead and departed, and inserting those duly qualified; and the “Quarterly Review” elsewhere admits that the “juries were fairly and respectably constituted” (p.127). Lord Torrington’s remarks were in reality directed not against the jurors afterwards empanelled from that list, but against “the inefficiency, under circumstances “like the present and in a country like Ceylon, of trial “by jury before a civil court” (*Ceylon Papers, February, 1849, p. 220*); and this he illustrated by the fact, that, although the first case tried was the notorious one of the *very priests who admitted that they had crowned the king*, yet, because they pleaded that they had done so when “actuated by fear” (*ib. p. 220*), the jury brought in a verdict of *not guilty*. The Queen’s

advocate, a gentleman personally hostile to Lord Torrington, and described by the "Quarterly Review" (p. 125) as a man "of long experience in the affairs "of the island, of high rank, and of unimpeachable "character," stated that there was nothing in the evidence "which ought to have been allowed to operate with the jury as an excuse for the prisoners' conduct" (*Ceylon Papers, February, 1849, p. 222*).

Contrasted with this failure of the system of trial by jury before the Civil Courts at a crisis so dangerous, Lord Torrington, who had expressed his fear of the injurious effect of acquittals, in instances of such notorious and well understood guilt, adverted to the impression produced in similar cases by convictions before Courts Martial, by which the natives were given to see that impunity would not follow even from the failure of the ordinary law, as "in the event "of open resistance, the Government possessed a "power greater than the law itself, or rather more "summary and more certain than the process of the "ordinary legal tribunals" (*Ceylon Papers, February, 1849, p. 220*). A reference to the entire despatch from which the "Quarterly Review" has selected its quotations, will shew that Lord Torrington's regrets were not so much for the escape of the criminals as for the defeat of the courts of justice, and the failure of trial by jury in Ceylon—a country to which its unsuitability has been a subject of frequent and well-founded complaint.

XX.

*"Ultimately seventeen persons were sentenced to death by
"the civil courts, but they were earnestly and publicly
"recommended to mercy by the venerable Chief Justice.*

“ *To this recommendation the Governor announced, that he had made up his mind to leave the seventeen prisoners for execution, and that he was supported in that determination by his council, but that from the unfortunate publicity which the Chief Justice had thought fit to give to his recommendation for mercy, he found himself unwillingly compelled to abandon his resolve.*”—QUARTERLY REVIEW, p. 114.

Lord Torrington’s letter, from which this statement professes to be taken, contains no such declarations as are here attributed to it. In no one passage does Lord Torrington intimate that “ *he had made up his mind to leave the seventeen prisoners for execution,*” or that he was “ *supported in that determination by his Council.*” On the contrary, he states the fact, that both he and his Council had arrived at the very same conclusion to which the Chief Justice himself had originally come, namely, to extend mercy to the majority of those convicted, and to except only a few “ *whose guilt had been so clearly established;*” that in the words of the Chief Justice himself, “ *to have carried out the last penalty of the law against them would have been necessary for the vindication of justice, order, and good government, and for an example to others.*”—*Ceylon Papers*, February, 1849, p. 243.

This course the Chief Justice himself declared that he would have followed under different circumstances; but looking to the results of the Courts Martial he considered that a sufficient example had already been made; especially as no European had been put to death by the rebels, only one soldier had been wounded, and no persons had lately appeared in war-

like array against the troops.; and he consequently recommended that the sentence of all should be modified. The *Quarterly Review* mis-states the reply of Lord Torrington to that recommendation, and represents him as asserting that he found himself “unwillingly compelled to abandon his resolves” to leave the whole seventeen for execution. What he really did state will be seen in his own letter (p. 257), where he intimates to the Chief Justice that the considerations on which he (the Chief Justice) had publicly announced his resolution to recommend the whole of the prisoners to mercy, were political and “unconnected with the *judicial* question on which it was properly within the province of a judge to assist the Governor with his advice.” That these considerations had not produced the same result in his own mind as they had in that of the Chief Justice; whilst such publicity had been given to the Chief Justice’s opinions, as rendered it embarrassing for the Government to set aside his recommendation notwithstanding the manifest injury which would arise to the administration of the criminal law “from this *summary review* of all the proceedings of the highest civil tribunal in the island, followed by a *sweeping modification* of its judgment, upon men convicted of the gravest offences known to our laws.”—*Ceylon Paper*, 1849, p. 257.

The whole of the sentences were accordingly revised; the three or four whom the chief justice declared his first intention was to have left for execution, were ordered to be transported for life, and the others for fourteen years.

XXI.

“ *It afterwards appeared, that the only reason given by Sir Emerson Tennent and the other members of the Council for concurring in the Governor's wish to put these [seventeen] men to death, was, that the courts martial had executed so many, the public might imagine the sufferers had been murdered, if the civil courts did not also execute a few.*”—QUARTERLY REVIEW, p. 115.

A reference to the minutes of Sir Emerson Tennent and the other members of council, as printed in the Appendix to the volume of Evidence, just published, will demonstrate the incorrectness of this representation. Amongst the reasons which weighed with the council, much importance was attached to the apprehension of exhibiting the *ordinary tribunals* of the country as inoperative for the suppression of treason; and thus leading the natives to the conclusion, that the protection of the public, on such occasions, could only be secured by a resort to the *extraordinary* expedient of martial law and military trials. The decreasing confidence of the public in the administration of justice by the civil courts was, unhappily, but too well known, and *it was notorious, that, with one single exception, no instance could be found of a jury in Ceylon having found a verdict of guilty, in any case of treason, during the previous twenty years, notwithstanding numerous trials.* But what most influenced the council in their opinion, that an example should be made of those whose guilt was most flagrant, was the fact, that the eighteen persons tried by the chief justice comprised *the most prominent and dangerous ringleaders of the revolt*, by whom the common people had been led astray; and that,

out of a list of *ninety-two* persons committed for high treason, these had been selected for trial by the queen's advocate, because, "from their social position, and *active participation*, they seemed to him the most proper persons for punishment" (*Ceylon Papers*, Feb. 1849, p. 222), as well as because the evidence against them was considered "so complete and conclusive, "that the prospect of a conviction was certain" (*Id.* p. 220).

XXII.

"*Lord Torrington himself appears soon to have taken "fright. His first step was to force through his Council a Bill of Indemnity for all bonâ fide acts done during the existence of Martial Law."*—*QUARTERLY REVIEW*, p. 116.

So far from this Act of indemnity being "*forced through*" the court, it passed with their unanimous approval.

XXIII.

"*The Governor thought it necessary to strengthen his case by extracts from letters, alleged to have been written by ANONYMOUS natives to the Colonial Secretary.*"—*QUARTERLY REVIEW*, p. 119.

By turning to the despatch which brought home these alleged "*anonymous*" letters, it will be seen that the author of each of them is given by the Governor. It is at p. 188, *Ceylon Papers*, February, 1839.

XXIV.

"*They [the committee of 1849] could discover no "opinions whatsoever emanating from the Law*

“Officials of Ceylon, as to the necessity for having imposed Martial Law.”—QUARTERLY REVIEW, p. 120.

The law officer of the colony, Mr. Selby, the Queen’s Advocate, gave his evidence in 1850, and stated the fact, that he had approved of the proclamation of martial law, and voted for it in council on both occasions. In point of fact, the council were *unanimous* on the subject.

XXV.

“Mr. Under-Secretary Hawes did his best to pacify the storm, by assuring them that Sir Emerson Tennent was at that moment home on leave, and prepared to give evidence. Mr. Hawes pledged his word that Sir Emerson Tennent had neither been sent for by Earl Grey, nor sent home by Lord Torrington, but that he happened to be at home on his own private affairs. In the printed proceedings there is a list of the expenses of witnesses from Ceylon; Sir Emerson Tennent’s name figures in it as the recipient of the largest sum paid to any witness, £1703 13s. 1d. Now he was either summoned to give evidence before the Committee, or he was not. If he was summoned, then Mr. Hawes was somewhat rash in his answer; if he was not summoned, then Sir Emerson Tennent has applied for, and been allowed a large sum of money to which he has no claim.”—QUARTERLY REVIEW, p. 122.

Sir Emerson Tennent was not summoned from Ceylon as a witness by the Committee, nor was he sent for by Earl Grey, nor was he home upon leave of absence on private affairs. He was sent home by

Lord Torrington *on public service*, in charge of official documents, with orders to afford the necessary explanations and information to the Secretary of State, and, if necessary, to appear as a witness before the Ceylon Committee.

It is quite true, as stated by Mr. Hawes. that in the beginning of the year 1848, Sir Emerson Tennent, being in bad health, had obtained leave to visit England, should he find it necessary. But the necessity did not arise; he recovered his health, and in the following year, 1849, he announced to the governor that he would not avail himself of the leave which had been accorded to him.

Lord Torrington, in September, 1849, requested him to proceed to England on the public service, stated above, and by despatch of the 7th December, No. 173, he stated to Lord Grey, that Sir Emerson Tennent was so commissioned to England (See *Appendix to the Papers on the Volume of Evidence*, 1851). In this capacity he was entitled to his salary and expenses—they were paid by the Committee so long as he was in attendance upon them as a witness, till the 20th August, 1850—and they were paid by the order of Earl Grey from that date till the 3rd December, when he ceased to hold the office of Colonial Secretary for Ceylon. The sum as quoted by the *Quarterly Review* is not correct.

XXVI.

“ *It came out, that the well-written and spirited letters of
 “ Captain Watson to Earl Grey [denying the authen-
 “ ticity of the Proclamations] had been concocted for
 “ him by no less a person than Sir Emerson Tennent,*

“ who, as Colonial Secretary of the island at the time of the revolt, should have well known, long ere he left Ceylon, whatever the Madras Commissioners could subsequently ascertain concerning the signatures we question.”—QUARTERLY REVIEW, p. 123.

Sir Emerson Tennent, as Civil Secretary, could not possibly know what had been done by the officers engaged under the commandant of Kandy, during the existence of Martial Law. The following extract of a letter from Sir Emerson Tennent to Earl Grey, 26th July, 1850, sufficiently explains the transaction.

“ Two days after Mr. Baillie had produced the documents (in the House of Commons), in February last, Captain Watson came to me voluntarily to declare that they were spurious, and to authorise me to inform the Secretary of State that his supposed signature was a forgery. On making this known at the Colonial Office, I was directed to desire Captain Watson to send his communication in writing, and he readily undertook to do so.

“ It is incorrectly stated, that I resided within sixteen miles of Captain Watson at the time when these proclamations were issued. I was residing at that time at Colombo, eighty-eight miles from Matelle, where Captain Watson commanded; and I had no communication with that officer. I have heretofore stated that I did not go to Kandy till the 11th of August, and that I only remained there till the 22nd, when I returned to Colombo and embarked for the opposite side of the island, where I was detained till the 30th of Sept.; nor did I revisit Kandy, nor any part of the Kandyan province, till February in the following year.

“ As to my having ‘ remained in Ceylon for a year after these documents were published,’ I beg to say, that till they were produced by Mr. Baillie on the 5th of February last, I had never heard of these proclamations; and so far as I know or believe, no member of the Government of Ceylon had any knowledge of their existence till after the arrival of the Commission in that island to make inquiry into their origin.
I have, &c.

“ (Signed) J. EMERSON TENNENT.

“ The Right Hon. the Earl Grey,
“ &c. &c. &c.”

XXVII.

“ *Sir Emerson Tennent's evidence bore upon every point, every thing, and every person in any way connected with Ceylon—it was horribly prolix.*”—QUARTERLY REVIEW, p. 123.

If it was prolix, its prolixity is attributable to the line of cross-examination adopted by Mr. Hume and Mr. Baillie, as well as to the fact, that the charges which he was sent home to explain included every department of the Ceylon government, executive and legislative, financial, political, commercial, social and military.

XXVIII.

“ *The general feeling of the committee was, that it proved and disproved too much. It not only contradicted in every particular every word of his ‘extraordinarily able’ Report of 1846, but the printed evidence of one*

“ day invariably fell to the ground quashed by the ex-
 “ tempore cross examination of the next. The finances
 “ of Ceylon, which that famous Report had declared to
 “ have been in such a vigorous condition at the time of
 “ Sir Colin Campbell's resignation, were now declared by
 “ Sir Emerson to have been at that identical period in a
 “ most attenuated and sinking state: and Lord Torrington
 “ was asserted by him to have shown consummate
 “ ability in having preserved, by a loan, the public credit
 “ of the Colony.”—QUARTERLY REVIEW, pp. 123, 124.

This passage contains almost as many errors as sentences. As Sir Emerson Tennent's Report contained no statements whatsoever as to the finance of Ceylon; it is unnecessary to say that his evidence in 1850 presented no contradiction to it. And as he never once alluded to any “ loan” contracted by Lord Torrington on account of Ceylon, it is also untrue, that he gave him any credit for ability in negotiating one.

It may have been safe for the Reviewer to hazard these assertions as to the nature of Sir Emerson Tennent's evidence in December last, when as yet the proceedings of the Committee had not been published to confute them. But as they are now in print, it behoves the author of the article in the “ Quarterly Review” to substantiate his assertions, by pointing out the alleged discrepancies between Sir Emerson Tennent's evidence in 1850, and his Report in 1846, or by showing one single instance in which the cross-examination of one day elicited a contradiction of any statement given by him on the preceding one.

The *Review* says, that in the opinion of the Committee, Sir Emerson Tennent's evidence both “ *proved and disproved too much.*” For the purposes of the

reviewer himself, we cannot have a doubt that *it did*. This is almost the only assertion in the entire article, which we can pronounce to be at once ingenuous and true. And we conclude by borrowing an expression from the article in the "Quarterly" that "*our chief object in submitting this paper, has been to disengage the FACTS of the case from the mass of chaff in which they have been so laboriously buried; in order to make them more intelligible and available to those who take an interest in our Colonial empire, and in the honour of our public men.*" — QUARTERLY REVIEW, p. 120.